### **COMPLAINT**

Judicial Inquiry and Review Commission Post Office Box 367

MAIL TO:

Richmond, Virginia 23218-0367		
Note: The Commission does not a	ccept fax or e-mail complaints.	
Name of Judge Hon. Giles Carter Greer		
Location of Court 55 W. Church Street, Martinsville, V	/A 24112/24114-1206	
Date of Incident 02/17/2023		
Case Name or Number (if known) CR19000009-00		
Current Status of Case		
Name and telephone number of persons who witnes	ssed the judge's conduct:	
Clerks, Deputy Clerk		
Description of what the judge said or did that you b	elieve was improper:	
He has refused to enforce his own court orders, refused to sanction lawyer Glen Andrew Hall for illegal evidence destruction of evidence, Glen Andrew Hall refusing to comply with court orders. This judge was given evidence in the case that Martinsville Police Chief Rob Fincher admitted evidence was destroyed on April 9, 2019, which violated two Court Orders regarding discovery.		
(addii DO NOT SEND ORIGINAL COURT RECORDS/RECO	tional pages may be attached) RD WILL NOT BE RETURNED	
<b>Name</b> (Please Print Clearly) <u>Brian David Hill</u>	Daytime Telephone (276) 790-3505	
Address 310 Forest Street, Apt. 2, Martinsville, VA 24112		
Brian D. Hill	<b>Date</b> February 21, 2023	
Signature Brian D. Hill		
Note: The Commission does not accept unsigned comp	olaints.	

Revised: 09/04/2014

All evidence proving judge refused to enforce compliance with court orders is attached.

They can investigate all attached evidence to determine where the judge broke laws.

This Judge violated 18 U.S. Code § 1519, he allowed Martinsville Police Department to destroy evidence after he entered a court order on February 6, 2019, a Order Regarding Discovery. He allowed evidence to be destroyed.

He also was informed that Assistant Public Defender Scott Albrecht had represented Brian David Hill, he pushed for discovery orders in both General District Court and Circuit Court under Hon. Giles Carter Greer. Judge Greer allowed Scott Albrecht to represent Glen Andrew Hall years after he left City of Martinsville and no longer represented Brian David Hill. Years later he was hired by Glen Andrew Hall to be an Assistant Commonwealth's Attorney. I asked the judge to conduct an inquiry because he had a duty to do so since there appears to be a conflict of interest. He ignored the ethics issue here, he ignored the conflict of interest.

Me and my entire family suspect that these are buddies of Judge Greer because of the way he is acting. He is protecting those who violated court orders, he protected those who violated court rules, and he protected those who defrauded his court.

I gave Judge Greer evidence of fraud on the court, he ignored all of it, refused to conduct any inquiries, and he refuses to enforce his own court orders with Glen Andrew Hall.

He knows evidence was illegally destroyed because of statements from Police Chief of Martinsville. He knew pending criminal case litigation happened while evidence was illegally destroyed, in response to multiple court orders. He had a duty to enforce his court orders or they are ineffective and breed anarchy and vigilante type activity. This judge is refusing to enforce the law on all parties. This judge is refusing to enforce the rules on all parties. He has allowed evidence destruction in violation of federal law. 18 U.S. Code § 1519 Obstruction of Justice.

Evidence unorganized is quickly attached. Thank You for your time and attention to investigate this matter.

# VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,	)	•
<b>v.</b>	)	CASE NO: C18-3138
BRIAN DAVID HILL,	)	
Defendant.	)	

#### **ORDER**

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

- (1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;
  - (2) A copy of any criminal record of the accused; and
- (3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of NOVIMBA, 2018.

I ASK FOR THIS:

Scott Albrecht, Esq. (VSB #88411)

Office of the Public Defender

P.O. Drawer 31

Martinsville, VA 24114

T: (276) 666-2206 ext. 106

F: (276) 666-8929

salbrecht@mar.idc.virginia.gov

Counsel for Defendant

SEEN and A

Attorney for the Commonwealth

City of Martinsville, Virginia

P.O. Box 1311

Martinsville, VA 24112

T: (276) 403-5470

repsetted bedo. M read beninsed evinast ansæ 81.51-01 221.9

DATE/TIME 11-28-18 11.20
BY D-COLUMN SCIENT
BY D-COLUMN STRICT COURT

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

VS.

CR19-009

BRIAN DAVID HILL,

Defendant.

#### ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

- (2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.
- (3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeblemindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 6th day of February, 2019.

Judge

I ASK FOR THIS:

Scott Albrecht (VSB #88411) Office of the Public Defender

P. O. Drawer 31

Martinsville, VA 24114

276-666-2206

276-666-8929 (fax)

salbrecht@mar.idc.virginia.gov

SEEN:

Counsel for the Commonwealth

EXHIBIT PAGE 120 OF 164

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

vs.

CR19000009-00

BRIAN DAVID HILL,

Defendant.

#### ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

- (2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.
- (3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeblemindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15th day of July, 2019.

Judge

I ASK FOR THIS:

Scott Albrecht (VSB #88411)

Office of the Public Defender

P.O. Drawer 31

Martinsville, VA 24114

276-666-2206

276-666-8929 (fax)

salbrecht@mar.idc.virginia.gov

SEEN:

Counsel for the Commonwealth



# Office of the City Attorney Eric Helms Monday

September 19, 2019

Brian David Hill 310 Forest Street, Apt. 1 Martinsville, VA 24112

Dear Mr. Hill:

With regard to your FOIA request dated September 13, 2019, the City of Martinsville is not the custodian of any search warrants filed in any court of law, and has no authority to compel production of any search warrant filed with any court, of either state or federal jurisdiction. We are therefore unable to comply with your request.

Sincerely,

Eric H. Monday

City Attorney

EHM/mes

cc: Eddie Cassady, Chief of Police Ashby Pritchett, Clerk of the Circuit Court

Telefax: (276) 403-5194

#### VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,	)
CITY OF MARTINSVILLE,	CASE NO: CR19000009-00
PLAINTIFF(s),	) DECLARATION OF BRIAN DAVID HILL OF
	) <u>NEW EVIDENCE CONCERNING PUBLIC</u> DEFENDER ASSISTANT SCOTT ALBRECHT IN
v.	SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF
	CONVICTION OF CRIMINAL CHARGE
BRIAN DAVID HILL,	PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA
DEFENDANT.	CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL
	ERRORS

DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC
DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET
ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL
CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE
COURT, CLERICAL FACTUAL ERRORS

Respectfully filed/submitted with the Court,

This the 13th day of February, 2023.

ME BO ONE, WE CO DIE

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2, Martinsville, Virginia 24112 (276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

Pursuant to the Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty.", criminal defendant Brian David Hill hereby state as follows to the Circuit Court for the City of Martinsville under penalty of perjury,

- 1. I am Brian David Hill, criminal defendant in this case. I am a party to this litigation. CASE NO: CR19000009-00. I had filed the "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" on January 26, 2023. This Declaration is based on recently discovered evidence.
- 2. On September 21, 2018, I was appointed a Public Defender by the General District Court due to being considered indigent which is also termed as In Foruma Pauperis in the Federal Court system. The Assistant Public Defender who represented me was Scott Albrecht. He had first met with me in Martinsville City Jail along with an assistant after the Public Defender was appointed, after I was arrested and was considered indigent.
- 3. Yesterday, my mother Roberta Hill was researching people to contact as I am considering filing a FOIA Lawsuit against Kendall Davis, Public Information Officer for the City of Martinsville, and against Martinsville Police Department. I am considering filing a FOIA lawsuit if no written response in a certain number of

days, or if my FOIA Request is refused even after me filing my addendum and declaration under penalty of perjury which is also an addendum to my original FOIA Request.

4. I am aware that Roberta found in the Staff Directory at the City of Martinsville website, just out of curiosity, an Assistant Commonwealth Attorney named Scott Albrecht. She shown this to me last night. The same name as the very attorney Scott Albrecht who was an Assistant Public Defender in the City of Martinsville, who represented me in General District Court and in the Circuit Court in my criminal case. I haven't yet confirmed whether this "Scott Albrecht" is the same Attorney Scott Albrecht who was supposed to represent me as my court appointed lawyer in 2018-2019, and if it is the same then I believe the Circuit Court would need to conduct an inquiry as to whether a conflict of interest exists in him assisting the Commonwealth Attorney Glen Andrew Hall who had prosecuted me after I was charged with a crime in this case, originally in the General District Court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also Holloway v. Arkansas, 435 U.S. 475 (1978); Dowell v. Commonwealth, 3 Va. App. 555 (1987). I asked Roberta Hill to print out in PDF Format the Staff Directory webpage at: https://www.martinsville-va.gov/Directory.aspx?did=25 and Wayback Machine archive at http://web.archive.org/web/20230213050244/https://www.martinsvilleva.gov/Directory.aspx?did=25 (text links/urls provided by Roberta Hill).

- 5. I hereby attach to this Declaration/unsworn-affidavit a true and correct printout of the web-link address at: <a href="https://www.martinsville-va.gov/Directory.aspx?did=25">https://www.martinsville-va.gov/Directory.aspx?did=25</a>, 2 pages printout, of the Staff Directory Martinsville, VA CivicEngage. This is attached to this Declaration thereto.
- 6. I wasn't entirely trusting of Attorney Scott Albrecht because of past issues with court appointed lawyers in my Federal Case in the Middle District of North Carolina. In fact, I had gut feelings which led me to doing pro se things and filing things pro se. Including writing a letter in January 2019 and mailing a photocopy of the same to the Chief of Police requesting the body-camera footage.
- 7. While I was at Martinsville City Jail and I believe it was around sometime in November 2018, he spoke with me in the jail about him pushing to get the discovery including the photographs of me naked. He told me I was innocent and said that being naked is not illegal because I was not being obscene, that was why I later did case law research when I was in Western Virginia Regional Jail after I was found guilty in General District Court. Scott Albrecht told me that me and him would go over the photos together of me to see under the legal determination if I was aroused in the photos of me naked. Clearly there should have been review over all discovery evidence before the Trial on December 21, 2018. I do not recall ever going over the photos with him to see if we can make any determination. I do not remember, I am trying to remember and I cannot, I do not believe he and me ever

went over the discovery evidence before the Trial in the General District Court on December 21, 2018. The first time I saw the introduced evidence of the printouts of the photos of me in the nude by the Commonwealth Attorney Glen Andrew Hall was at the Trial in the General District Court. I had also filed a pleading in the General District Court about what me and Scott Albrecht talked about, about him telling me that I was innocent. I had filed it in the GD paperwork on November 29, 2018, filed by the Clerk of the General District Court. I did try to mail it out on November 26, 2018 from the jail where I was at the time, and it was filed by the Clerk on November 29, 2018, so technically it was filed on November 29, 2018.

8. There were funny things going on during the Trial in the General District Court. Like Scott Albrecht shown no case law about obscenity being required to have me found guilty of Virginia Code § 18.2-387. See Romick v. Commonwealth, Record No. 1580-12-4 (Va. Ct. App. Nov. 19, 2013), Moses v. Commonwealth, 45 Va. App. 357, 360, 611 S.E.2d 607, 608 (2005) (en banc), etc etc. He did read the statute of obscenity, and Glen Andy Hall did argue that the defendant "was not charged with obscenity", I remember Andy Hall saying those words that I "was not charged with obscenity". I remember him arguing those words. Later on, when I reread the Arrest Warrant against me, it did charge me with intentionally making an obscene display. So, Mr. Hall was trying to argue a mis-argument in the General District Court. The judge heard me testify under penalty of perjury making

statements about the man wearing the hoodie. Scott Albrecht did ask the Officer Robert Jones if Brian approached anybody and that person screaming "oh my God!" and the officer admitted that I didn't. Officer Jones's testimony did support the fact that I was not obscene because in the totality of circumstances I was not trying to appeal to the prurient interest in sex. However, my family members who were present at my Trial watched Scott Albrecht as he argued my case and thought he was kind of letting Glen Andy Hall walk all over him and dominating the Trial proceeding. My mother told me the opinion about him letting Andy Hall kind of dominate the Trial, my grandparents thought he was not doing a good job as an attorney, so this Court may want to question Roberta Hill, Stella Forinash, and Kenneth Forinash. They thought he was kind of a poor lawyer meaning a lawyer who did a poor job defending me, that he wasn't a good trial attorney.

8. After the judge found me guilty in General District Court, I whispered or said in a low voice to Attorney Scott Albrecht that I wanted him to appeal the decision and told him that I want to appeal it in fear that my supervised release would be violated. Then he said in response that: "your supervised release is already revoked", and then I was taken away by the officers. I was upset at Scott Albrecht. This Court can also review over the "PUBLIC DEFENDER TIME SHEET", and I believe it was filed in General District Court on December 21, 2018. It said the total number of hours he spent out of court was 1 hour, and the

time "In Court" was only 20 minutes. A very short Trial in the General District Court. He didn't really spend a lot of time in the case according to his filed "PUBLIC DEFENDER TIME SHEET" in the General District Court. Scott Albrecht was a terrible lawyer and I had wondered why he was.

9. I am not sure if Scott Albrecht ever filed a notice of appeal, as I tried to get it mailed off my pro se notice of appeal the same day I was found guilty, that I had asked him to do verbally. In fact, the record of the General District Court shown that I had initiated a pro se written notice of appeal in the General District Court which would have brought the case to the Circuit Court, this very case itself, it was me who pushed a pro se written notice of appeal to the Circuit Court and then there was another notice of appeal form with the signature of Scott Albrecht who was supposed to do what I had asked him to do and appeal the decision. It seemed like me trying to file the appeal pro se caused him to have his signature in a form notice of appeal document as I see from the record. This attorney seemed sketchy to me, I didn't 100% trust him and my trust meter started lowering after I had to file a written notice of appeal. Scott Albrecht told me I was innocent and did nothing illegal but I was found guilty by the judge, why??? I do believe he was right but he didn't handle the case the right way and that made me skeptical about my own lawyer.

- 10. I will admit he did a great job getting me released on bond/bail conditions which I complied with to the letter. I will admit he did push for three court orders in my criminal case for discovery. However, he was deficit in any push for sanctions or enforcement. He never pushed to compel compliance with those court orders, even though he is supposed to be an officer of the court at those times. Albrecht never pushed for sanctions for destruction of evidence, and Matthew Scott Thomas Clark never pushed for sanctions for destruction of evidence. Albrecht never pushed for any inquiring into non-compliance with the very court orders he pushed for. He didn't do his duty as an officer of the Court, he pushed for court orders but when they were not being complied with because of no body-camera footage being turned over to defense counsel or I was never given any indication of ever receiving the body-camera footage or copy of the same.
- 11. Now it all makes sense. If the same Scott Albrecht who had represented me, if this is the same attorney who seems to be named as the Assistant Commonwealth's Attorney, then this makes me suspect collusion between the Commonwealth Attorney and defense attorney even more. When I had filed the Motion asking for relief over fraud on the court on January 26, 2023, I had suspicions that it was either Scott Albrecht had colluded with the Commonwealth Attorney over destruction of body-camera footage and not pushing for compliance with those very court orders he pushed for, either collusion or ineffective assistance

of counsel meaning my counsel did a terrible job as an attorney and was deficient. If this "Scott Albrecht" who is an Assistant Commonwealth Attorney to Glen Andrew Hall, Esq. the Commonwealth Attorney, if this is the same attorney who had represented me in the General District Court, then it all makes sense to me why I was found guilty as charged. The Trial was rigged in my opinion to have me found guilty with a rigged defense attorney; this can be proven now with all of the deficiencies of Scott Albrecht. If this is the same Scott Albrecht, then I have no choice but to inform the Circuit Court that my Trial in the General District Court, I feel it was rigged against me. When my own court appointed lawyer who did a terrible job defending me, I am found guilty, no enforcement of court orders not complied with by Glen Andrew Hall that he pushed for as my defense attorney, no asking for sanctions for noncompliance with those court orders, and then a "Scott Albrecht" works for the very same prosecuting attorney who prosecuted me at the Trial in the General District Court on December 21, 2018, with Scott Albrecht as my defense attorney.

12. I have a right to feel suspicious. Seeing the same name "Scott Albrecht" working for the other side in my case, working for Glen Andrew Hall aka Andy Hall the Commonwealth Attorney who is the prosecuting attorney for my case in General District Court and in the Circuit Court.

- 13. My suspicions are warranted here. The argument is this to the best of my opinion and belief under penalty of perjury. If my lawyer did such a terrible job as the Trial attorney in the General District Court, meaning he is not a very good lawyer, then why is he hired by the Commonwealth Attorney and paid by the Commonwealth Attorney or whatever as that name is clearly shown in the Staff Directory for the City of Martinsville??? I don't know when he was hired and why he was hired, and don't know if it is the same Scott Albrecht but the odds are very remote that it could be a different attorney named Scott Albrecht. The possibility that it may be a different Scott Albrecht who happens to be an attorney, working in Martinsville or for the Commonwealth Attorney in Martinsville. If he was such a poor lawyer who did a poor job at my case, then why was he named as an Assistant Commonwealth's Attorney??? That would make him a traitor. This is unethical, this is unprofessional, this is a conflict of interest if it wasn't already. That makes me suspicious that I felt that he definitely took part in defrauding the court as claims I had brought up in my filed Motion on January 26, 2023.
- 14. I feel that it is warranted for the Honorable Circuit Court to conduct an inquiry of Glen Andrew Hall, Esquire about his: "Assistant Commonwealth's Attorney" named "Scott Albrecht". This is definitely a conflict of interest in my opinion. Glen Andy Hall needs to file a letter with the Court stating under penalty of perjury that Scott Albrecht needs to recuse himself from the prosecution team

regarding this criminal case. That would be ethical to me. Scott Albrecht needs to recuse himself if it is the very same Scott Albrecht. I am concerned here, extremely concerned.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2023.

Brian D. Hill

Brian D. Hill Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2 Martinsville, Virginia 24112 (276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



I hereby certify that a true and accurate copy of the foregoing Motion was emailed/transmitted by my Assistant Roberta Hill at <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> (due to Probation Conditions of not being allowed to use the Internet) to have delivered this Page 11 of 13



- (1) pleading and attachment of 2-page printout on the 13th day of February, 2023, to the following parties:
  - 1. Commonwealth of Virginia
  - 2. City of Martinsville

Again, by having representative Roberta Hill filing this pleading and attachment of 2-page printout on his behalf, filing with the Court, through email address <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a>, transmit a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq.
Commonwealth Attorney's Office
for the City of Martinsville
55 West Church Street
P.O. Box 1311
Martinsville, Virginia 24114/24112
Attorney for the Commonwealth
Phone: (276) 403-5470

Fax: (276) 403-5478

Email: ahall@ci.martinsville.va.us

Hon. Jean P. Nunn, Clerk of the

Court

Circuit Court for the City of

Martinsville

Phone: 276-403-5106 Fax: 276-403-5232

55 West Church Street, Room 205

P.O. Box 1206

Martinsville, VA 24114

Email: jnunn@ci.martinsville.va.us

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore, Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

All exhibits or any exhibits with anything printed from any internet-based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c/o Roberta Hill at <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

 $Justice For USWGO.NL\ or\ Justice For USWGO.word press.com$ 



See the two-page attachment to this pleading:

Filename: Staff Directory • Martinsville, VA • CivicEngage.pdf

## **Commonwealth's Attorney**

#### **Directions**

**Physical Address:** 

View Map

55 W Church Street Martinsville, VA 24112

**Mailing Address:** 

P.O. Box 1311

Martinsville, VA 24112

Phone:

276-403-5470

Fax:

276-403-5478

Link: Commonwealth's Attorney's Office Page

#### Staff

Name	Title
Albrecht, Scott	Assistant Commonwealth's Attorney
Finn, Patrick	Assistant Commonwealth's Attorney
Hall, G. Andrew	Commonwealth's Attorney
Herrero, Alberto Z.	Deputy Commonwealth's Attorney
Russell. Emily	Assistant Commonwealth's Attorney

#### **Victim Witness Program**

#### **Directions**

Physical Address: View Map

55 W Church Street

Room 14

Martinsville, VA 24112

#### **Mailing Address:**

P.O. Box 1063

Martinsville, VA 24112

1 of 2 2/12/2023, 11:57 PM

Staff Directory • Martinsville, VA • CivicEngage

Phone:

276-403-5467 or 276-403-5469

Fax:

276-403-5468

Link: Victim Witness Program Page

#### **Staff**

Name	Title	Email
<u>Laine, Joyce</u>	Victim/Witness Program Assistant Director	Email Joyce Laine
<u>Spangler, Vicky</u>	Victim / Witness Program Director	Email Vicky Spangler

#### **Return to Staff Directory**

Government Websites by CivicPlus®

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# COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE, PLAINTIFF(s), v. BRIAN DAVID HILL, DEFENDANT.

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

## **NOTICE OF APPEAL (1)**

Respectfully submitted with the Court,

This the 21st day of February, 2023.

Brian D. Hill

Brian D. Hill Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2 Martinsville, Virginia 24112 (276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

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#### **SUMMARY**

Brian David Hill, criminal case Defendant, and Appellant, pro se, hereby appeals to the Court of Appeals of Virginia from the final judgment of this Court by final order entered February 17, 2023, denying Brian Hill's Motion entitled: "MOTION TO RECONSIDER THE ORDER DENYING "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" (Motion For Reconsideration), filed on February 17, 2023.

There are no transcripts as there was no hearing over the denial of that motion. The Defendant's "MOTION TO RECONSIDER THE ORDER...".

Defendant/Appellant is also preserving all issues for appeal from all of the foregoing motions which were denied.

PRESERVATION OF ISSUES FOR APPEAL RAISED IN MOTIONS
AND PRESERVATION OF ISSUES OF JUDGE GREER'S ORDER AND
DOCUMENTATION OF IGNORING OF EVIDENCE, IGNORING OF
WITNESSES, ALLOWING CONTEMPT OF COURT MULTIPLE TIMES,
ALLOWING CRIMES TO BE COMMITTED, REFUSAL TO ALLOW THE
COMMONWEALTH ATTORNEY TO RESPOND

However, Defendant made it clear that ignoring the evidence and ignoring the case law authorities was violating due process of law under the Fourteenth Amendment of the U.S. Constitution and the Constitution of Virginia, Article I., Section 8. Criminal prosecutions, and Section 11. Due process of law; obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases. The judge filed his order denying it all quickly without even requesting a response from the Commonwealth's Attorney, without conducting any evidentiary hearing or inquiry hearing as to any of the issues, grounds, and elements which it raised.

1. Judge Greer has failed to address the issues of Attorney Scott Albrecht (Public Defender Assistant) who had represented the Defendant Brian David Hill had switched sides after losing Brian's case on purpose in the General District Court on December 21, 2018, Brian filed a pro se notice of appeal then Scott Albrecht was forced to file a notice of appeal too because Brian Hill wasn't going to put up with a lousy good for nothing traitor lawyer. This same lawyer allowed unlawful destruction of evidence by Martinsville Police Department as admitted by police chief Rob Fincher, allowed CONTEMPT OF COURT multiple times and Obstruction of Justice by unlawful destruction of evidence. Then Scott Albrecht is rewarded by not only having Defendant owe attorney fees, he was hired as an "Assistant Commonwealth's Attorney" working for Glen Andrew Hall, the very

prosecutor who prosecuted the criminal case against the Defendant. That is a conflict of interest as was already brought in the Motion to Reconsider, brought up in Declaration of evidence that a Scott Albrecht is an Assistant Commonwealth's Attorney providing evidence of a printout from the City of Martinsville staff directory, a GOVERNMENT WEBSITE, mentions Glen Andrew Hall's name and Scott Albrecht working for the same Commonwealth's Attorney as said in the Staff Directory. This is starting to prove that Scott Albrecht may have colluded with Glen Andrew Hall to commit a fraud upon the court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also Holloway v. Arkansas, 435 U.S. 475 (1978); Dowell v. Commonwealth, 3 Va. App. 555 (1987). Judge Greer allowed a conflict of interest without ever conducting an inquiry or investigation even though it is the Judge's duty to do so. A Judge has a DUTY to prevent any conflicts of interest involving attorneys in cases the judge presides over. He is allowing a conflict of interest in both the case and in the appeals (assuming if Glen Andrew Hall and his asst. Scott Albrecht has any influence over the Assistant Attorney General). Scott Albrecht betrayed Brian David Hill the criminal defendant in this case. This is not a normal situation or maybe this is how the Circuit Court has been operating for a long-time taking advantage of the poor people and mentally handicapped who are forced to have a Public Defender who works for the Commonwealth's Attorney. This is rigged, the criminal case is rigged, the jury trial was going to be rigged, the Trial in

General District Court was RIGGED, it is a rigged judicial process, a rigged judicial system in the City of Martinsville. When a court is rigged, there can never be any justice, it is impossible to obtain any justice out of a rigged court. It is a clear conflict of interest here and this Judge is refusing to investigate or conduct any inquiries into this conflict of interest.

2. This Judge also refused to conduct any inquiry or investigation into the fraud on the court. The record is now a fraud, the court has allowed fraud on its court. He is colluding with the fraud on the court. Defendant asserts that Judge Greer has proven in the record of the Trial Court that he is colluding with both Glen Andrew Hall and Scott Albrecht to wrongfully convict the Defendant using Judge Greer's buddies or friends. They all know each other and seem to want to protect and defend each other like some kind of gang or mafia. They stick up for their own even when their own break laws and rules. This is collusion and fraud accepted by the Judge of this Circuit court. FRAUD, COLLUSION, Unethical, Conflict of interest. This violates the principles set by both the U.S. Constitution and Virginia Constitution's separation of powers clause. We have a separation of powers clause in the Constitutions for a reason. A judge should not be buddies with anybody else, or even if he/she was buddies with others that may get involved in the judicial system or case somehow, then ethics should strictly be enforced. This is unethical that Scott Albrecht was never inquired as to his relationship with Glen Andrew

Hall, that Scott Albrecht allowed Glen Andrew Hall to help destroy police body-camera footage within the scope of three court orders in total. The body-camera footage was illegally destroyed on April 9, 2019 according to Police Chief Rob Fincher. Scott Albrecht knew Brian David Hill wanted this body-camera footage but refused to do anything to fight for it before it was destroyed, refused to fight to enforce any of the court orders not complied with. Ignoring a Court Order is CONTEMPT OF COURT. Refusing to comply with a Court Order is CONTEMPT OF COURT. Glen Andrew Hall should be charged with CONTEMPT OF COURT three different times if not two times, that is the law. Scott Albrecht colluded with Glen Andrew Hall because Glen Andrew Hall had hired Scott Albrecht and this court refused to conduct any inquiry into this even though it is this COURT'S DUTY.

3. This is clear collusion, this Judge is buddies with Glen Andrew Hall, it is clear that this judge has committed serious ethics violations to hold an innocent man hostage for a crime he is innocent of. Innocent man Brian David Hill is being held hostage and only Governor Youngkin or any future Governor of Virginia can fix this mess. This is serious corruption issues. The Court of Appeals of Virginia (CAV) needs to strike down Judge Greer's orders. Judge Greer has acted in a manner inconsistent with due process of law. The Trial Court has acted in a manner inconsistent with due process of law, all along since the very beginning. Acted in an

unethical manner and allowed a conflict of interest, is allowing one or more frauds to stand to keep an innocent man convicted and owing money to the Commonwealth of Virginia, owing a debt caused by such conflicts of interest and corruption and collusion and FRAUD.

- 4. Collusion, fraud, conflict of interest, depriving a criminal defendant of due process of law, both procedural due process of law and substantive due process of law. This is entirely become one or more abuses of discretion, and errors.
- 5. When Brian David Hill was sending letters to the Circuit Court from both Western Virginia Regional Jail (WVRJ) in December to January 2019 and Federal Correctional Institution 1 (FCI) in Butner, North Carolina from January 2019 on up, Judge Greer and Glen Andrew Hall worked together (colluded) to wanted to issue a capias against the Defendant when the Deputy Master Clerk Jeanie Nunn knew that Defendant was sending letters from a jail or prison at the time so she knew that Brian couldn't of failed to appear because he had no choice, HE WAS IN JAIL AND PRISON IN BUTNER NORTH CAROLINA A FEDERAL PRISON. Judge Greer and Glen Andrew Hall wanted a failure to appear against the Defendant in 2019 knowing that there was a federal detainer on him since November, 2018, before the Trial in General District Court. Then this same judge is okay with unlawful destruction of evidence in response to the court orders regarding discovery in sheer non-compliance with two court orders and a third court order after the dirty

deed of illegally destroying evidence was done; and is okay with federal obstruction of justice in violation of 18 U.S. Code § 1519. It is an illegal obstruction of justice, A FEDERAL CRIME, ILLEGAL, for Martinsville Police Department under Police Chief G. E. Cassady and Commonwealth's Attorney Glen Andrew Hall to have deleted the body-camera footage on April 9, 2019 in the Digital Video Management System (DVMS) after multiple court orders, not even marking the footage as "evidence" when it clearly was material evidence to Defendant's charge. THIS IS FRAUD, COLLUSION. Also, the Police Department had contacted U.S. Probation Officer Jason McMurray after Defendant gave him his Probation Officer's name, they had his information and then the U.S. Probation Office conducted an investigation after Defendant's arrest on September 21, 2018. The United States Probation Office is a federal office, they are considered a law enforcement agency even though they are an agency of the federal judiciary. They are within the scope of being protected by law from unlawful evidence destruction, then it becomes a federal crime after evidence is unlawfully destroyed.

6. See 18 U.S.C. § 1519 ("Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or

contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S.C. § 1519 Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.")

7. Glen Andrew Hall, Judge Giles Carter Greer, Officer Robert Jones, Scott Albrecht who was Asst. Public Defender and Asst. Commonwealth's Attorney, and former Police Chief G. E. Eddie Cassady are all committing a federal crime of violating 18 U.S.C. § 1519. They all committed the crime by all taking part in the unlawful destruction of the police body-camera footage by the DVMS system, after being given plenty of warning by multiple letters to G. E. Cassady asking for the body-camera footage. The court orders, the policy of Martinsville Police Department, none of it was followed. It is ALL ILLEGAL. It is obstruction of justice with no excuse as to why they violated 18 U.S.C. § 1519. The U.S. Marshals need to arrest them all and try them for violation of 18 U.S.C. § 1519. Unlawful illegal destruction of evidence. They are allowing contempt of court by Glen Andrew Hall because he is a "COMMONWEALTH ATTORNEY". So, this Court is sending a dangerous message that he can violate any law he so desires. He can destroy any evidence he so desires, any evidence he wants to destroy he can do so with impunity and Judge Greer is his BUDDY, his FRIEND, he will protect his friend and buddy. This is collusion, unethical, criminal, criminal behavior, and is racketeering. They are all breaking laws and allowing laws to be broken by the

lawyers, in sheer violation of the federal Racketeer Influenced and Corrupt Organizations Act. See Racketeer Influenced and Corrupt Organizations Act (RICO): Originally published: October 15, 1970; Public law: 91-452; Enacted by: the 91st United States Congress; Long title: An Act relating to the control of organized crime in the United States; Statutes at Large: 84 Stat. 922-3 aka 84 Stat. 941; Titles amended: 18 U.S.C.: Crimes and Criminal Procedure; U.S.C. sections created: 18 U.S.C. §§ 1961–1968.

This appeal is being filed in good faith as it doesn't make sense for a Court to punish a criminal Defendant who has disproven multiple elements of the charged crime and not punish Glen Andrew Hall for refusing to comply with court orders and illegally destroying evidence. This is fraud, this is collusion. This is corruption. This is racketeering to demand any legal fees from the Defendant at this stage with all of the evidence on the record here. This is criminal racketeering and holding a man hostage who shouldn't be. He is innocent. **Brian David Hill = Innocence.** 

No guilty plea was entered as the only plea this may resemble was an Alford Plea which is not a guilty plea when evidence surfaces at a later time on disproving the elements of the charge, Judge Greer knows that. None of this is right, none of this is moral. This is a complete miscarriage of justice and is collusion, fraud, and corruption without a doubt against an innocent man. I am being held hostage by

these people, they are holding me hostage to my federal supervised release violation and causing my sentence to being extended. This is NOT MORAL; this is not the way criminal defendants should be treated in any court of law. Due process of law, DUE PROCESS OF LAW, DUE PROCESS OF LAW, DUE PROCESS OF LAW, GIVE ME LIBERTY OR GIVE ME DEATH!!!

Give me Liberty or Give Me Death. – As Patrick Henry said in Richmond, Virginia at Saint John's Church. The answer to George Orwell's 1984 is 1776. The answer to 1984 is 1776.

Respectfully submitted with the Court, This the 21st day of February, 2023.

Brian D. Hill

Brian D. Hill Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2 Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

### CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing NOTICE OF APPEAL was faxed or emailed/transmitted by my Assistant Roberta Hill at rbhill67@comcast.net

(due to Probation Conditions of not being allowed to use the Internet) or delivered this 21st day of February, 2022, to the following parties:

The undersigned certifies as follows:

1. The name and address of the Appellant is:

Brian David Hill – Ally of Q and Attorney Lin Wood

Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

- 2. Appellant is not represented by counsel at this time.
- 3. The names of Appellees is:

Commonwealth of Virginia

City of Martinsville

- 4. The name, address, and telephone number of counsel for appellees' is:
  - G. Andrew Hall

Martinsville Commonwealth's Attorney

55 W. Church Street

Martinsville, VA 24112

(276) 403-5470

5. A copy of this Notice of Appeal has been electronically transmitted by Roberta Hill (electronic filing representative) via email to the Martinsville Circuit Court Clerk's Office, to opposing counsel, and electronically filed by Roberta Hill (electronic filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on February 21, 2023.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq.

Commonwealth Attorney's Office for

the City of Martinsville 55 West Church Street

P.O. Box 1311

Martinsville, Virginia 24114/24112

Attorney for the Commonwealth

Phone: (276) 403-5470 Fax: (276) 403-5478

Email: ahall@ci.martinsville.va.us

Hon. Ashby R. Pritchett, Clerk of the

Court

Circuit Court for the City of

Martinsville

Phone: 276-403-5106

Fax: 276-403-5232

55 West Church Street, Room 205

P.O. Box 1206

Martinsville, VA 24114

Email: apritchett@vacourts.gov

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c/o Roberta Hill at <u>rbhill67@comcast.net</u> and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

> Brian D. Hill Brian D. Hill

Defendant



Former news reporter of U.S.W.G.O. Alternative News
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## COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE, PLAINTIFF(s), v. BRIAN DAVID HILL, DEFENDANT.

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

### **NOTICE OF APPEAL (2)**

Respectfully submitted with the Court,

This the 21st day of February, 2023.

Brian D. Hill

Brian D. Hill Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2 Martinsville, Virginia 24112 (276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**COVER PAGE** 



### **SUMMARY**

Brian David Hill, criminal case Defendant, and Appellant, pro se, hereby appeals to the Court of Appeals of Virginia from the final judgment of this Court by final order entered February 14, 2023 (attached thereto), denying Brian Hill's Motion entitled: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS", filed on January 26, 2023.

There are no transcripts as there was no hearing over the denial of that motion. The Defendant's "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

Defendant/Appellant is also preserving all issues for appeal from all of the foregoing motions which were denied.

PRESERVATION OF ISSUES FOR APPEAL RAISED IN MOTIONS
AND PRESERVATION OF ISSUES OF JUDGE GREER'S ORDER AND
DOCUMENTATION OF IGNORING OF EVIDENCE, IGNORING OF

### WITNESSES, ALLOWING CONTEMPT OF COURT MULTIPLE TIMES, ALLOWING CRIMES TO BE COMMITTED, REFUSAL TO ALLOW THE COMMONWEALTH ATTORNEY TO RESPOND

However, Defendant made it clear that ignoring the evidence and ignoring the case law authorities was violating due process of law under the Fourteenth Amendment of the U.S. Constitution and the Constitution of Virginia, Article I., Section 8. Criminal prosecutions, and Section 11. Due process of law; obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases. The judge filed his order denying it all quickly without even requesting a response from the Commonwealth's Attorney, without conducting any evidentiary hearing or inquiry hearing as to any of the issues, grounds, and elements which it raised.

1. Judge Greer has failed to address the issues of Attorney Scott Albrecht (Public Defender Assistant) who had represented the Defendant Brian David Hill had switched sides after losing Brian's case on purpose in the General District Court on December 21, 2018, Brian filed a pro se notice of appeal then Scott Albrecht was forced to file a notice of appeal too because Brian Hill wasn't going to put up with a lousy good for nothing traitor lawyer. This same lawyer allowed unlawful destruction of evidence by Martinsville Police Department as admitted by police chief Rob Fincher, allowed CONTEMPT OF COURT multiple times and

Obstruction of Justice by unlawful destruction of evidence. Then Scott Albrecht is rewarded by not only having Defendant owe attorney fees, he was hired as an "Assistant Commonwealth's Attorney" working for Glen Andrew Hall, the very prosecutor who prosecuted the criminal case against the Defendant. That is a conflict of interest as was already brought in the Motion to Reconsider, brought up in Declaration of evidence that a Scott Albrecht is an Assistant Commonwealth's Attorney providing evidence of a printout from the City of Martinsville staff directory, a GOVERNMENT WEBSITE, mentions Glen Andrew Hall's name and Scott Albrecht working for the same Commonwealth's Attorney as said in the Staff Directory. This is starting to prove that Scott Albrecht may have colluded with Glen Andrew Hall to commit a fraud upon the court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also Holloway v. Arkansas, 435 U.S. 475 (1978); Dowell v. Commonwealth, 3 Va. App. 555 (1987). Judge Greer allowed a conflict of interest without ever conducting an inquiry or investigation even though it is the Judge's duty to do so. A Judge has a DUTY to prevent any conflicts of interest involving attorneys in cases the judge presides over. He is allowing a conflict of interest in both the case and in the appeals (assuming if Glen Andrew Hall and his asst. Scott Albrecht has any influence over the Assistant Attorney General). Scott Albrecht betrayed Brian David Hill the criminal defendant in this case. This is not a normal situation or maybe this is how the Circuit Court has been operating for a long-time

taking advantage of the poor people and mentally handicapped who are forced to have a Public Defender who works for the Commonwealth's Attorney. This is rigged, the criminal case is rigged, the jury trial was going to be rigged, the Trial in General District Court was RIGGED, it is a rigged judicial process, a rigged judicial system in the City of Martinsville. When a court is rigged, there can never be any justice, it is impossible to obtain any justice out of a rigged court. It is a clear conflict of interest here and this Judge is refusing to investigate or conduct any inquiries into this conflict of interest.

2. This Judge also refused to conduct any inquiry or investigation into the fraud on the court. The record is now a fraud, the court has allowed fraud on its court. He is colluding with the fraud on the court. Defendant asserts that Judge Greer has proven in the record of the Trial Court that he is colluding with both Glen Andrew Hall and Scott Albrecht to wrongfully convict the Defendant using Judge Greer's buddies or friends. They all know each other and seem to want to protect and defend each other like some kind of gang or mafia. They stick up for their own even when their own break laws and rules. This is collusion and fraud accepted by the Judge of this Circuit court. FRAUD, COLLUSION, Unethical, Conflict of interest. This violates the principles set by both the U.S. Constitution and Virginia Constitution's separation of powers clause. We have a separation of powers clause in the Constitutions for a reason. A judge should not be buddies with anybody else,

or even if he/she was buddies with others that may get involved in the judicial system or case somehow, then ethics should strictly be enforced. This is unethical that Scott Albrecht was never inquired as to his relationship with Glen Andrew Hall, that Scott Albrecht allowed Glen Andrew Hall to help destroy police bodycamera footage within the scope of three court orders in total. The body-camera footage was illegally destroyed on April 9, 2019 according to Police Chief Rob Fincher. Scott Albrecht knew Brian David Hill wanted this body-camera footage but refused to do anything to fight for it before it was destroyed, refused to fight to enforce any of the court orders not complied with. Ignoring a Court Order is CONTEMPT OF COURT. Refusing to comply with a Court Order is CONTEMPT OF COURT. Glen Andrew Hall should be charged with CONTEMPT OF COURT three different times if not two times, that is the law. Scott Albrecht colluded with Glen Andrew Hall because Glen Andrew Hall had hired Scott Albrecht and this court refused to conduct any inquiry into this even though it is this COURT'S DUTY.

3. This is clear collusion, this Judge is buddies with Glen Andrew Hall, it is clear that this judge has committed serious ethics violations to hold an innocent man hostage for a crime he is innocent of. Innocent man Brian David Hill is being held hostage and only Governor Youngkin or any future Governor of Virginia can fix this mess. This is serious corruption issues. The Court of Appeals of Virginia

(CAV) needs to strike down Judge Greer's orders. Judge Greer has acted in a manner inconsistent with due process of law. The Trial Court has acted in a manner inconsistent with due process of law, all along since the very beginning. Acted in an unethical manner and allowed a conflict of interest, is allowing one or more frauds to stand to keep an innocent man convicted and owing money to the Commonwealth of Virginia, owing a debt caused by such conflicts of interest and corruption and collusion and FRAUD.

- 4. Collusion, fraud, conflict of interest, depriving a criminal defendant of due process of law, both procedural due process of law and substantive due process of law. This is entirely become one or more abuses of discretion, and errors.
- 5. When Brian David Hill was sending letters to the Circuit Court from both Western Virginia Regional Jail (WVRJ) in December to January 2019 and Federal Correctional Institution 1 (FCI) in Butner, North Carolina from January 2019 on up, Judge Greer and Glen Andrew Hall worked together (colluded) to wanted to issue a capias against the Defendant when the Deputy Master Clerk Jeanie Nunn knew that Defendant was sending letters from a jail or prison at the time so she knew that Brian couldn't of failed to appear because he had no choice, HE WAS IN JAIL AND PRISON IN BUTNER NORTH CAROLINA A FEDERAL PRISON. Judge Greer and Glen Andrew Hall wanted a failure to appear against the Defendant in 2019 knowing that there was a federal detainer on him since November, 2018,

before the Trial in General District Court. Then this same judge is okay with unlawful destruction of evidence in response to the court orders regarding discovery in sheer non-compliance with two court orders and a third court order after the dirty deed of illegally destroying evidence was done; and is okay with federal obstruction of justice in violation of 18 U.S. Code § 1519. It is an illegal obstruction of justice, A FEDERAL CRIME, ILLEGAL, for Martinsville Police Department under Police Chief G. E. Cassady and Commonwealth's Attorney Glen Andrew Hall to have deleted the body-camera footage on April 9, 2019 in the Digital Video Management System (DVMS) after multiple court orders, not even marking the footage as "evidence" when it clearly was material evidence to Defendant's charge. THIS IS FRAUD, COLLUSION. Also, the Police Department had contacted U.S. Probation Officer Jason McMurray after Defendant gave him his Probation Officer's name, they had his information and then the U.S. Probation Office conducted an investigation after Defendant's arrest on September 21, 2018. The United States Probation Office is a federal office, they are considered a law enforcement agency even though they are an agency of the federal judiciary. They are within the scope of being protected by law from unlawful evidence destruction, then it becomes a federal crime after evidence is unlawfully destroyed.

6. See 18 U.S.C. § 1519 ("Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or

tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S.C. § 1519 Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.")

7. Glen Andrew Hall, Judge Giles Carter Greer, Officer Robert Jones, Scott Albrecht who was Asst. Public Defender and Asst. Commonwealth's Attorney, and former Police Chief G. E. Eddie Cassady are all committing a federal crime of violating 18 U.S.C. § 1519. They all committed the crime by all taking part in the unlawful destruction of the police body-camera footage by the DVMS system, after being given plenty of warning by multiple letters to G. E. Cassady asking for the body-camera footage. The court orders, the policy of Martinsville Police Department, none of it was followed. It is ALL ILLEGAL. It is obstruction of justice with no excuse as to why they violated 18 U.S.C. § 1519. The U.S. Marshals need to arrest them all and try them for violation of 18 U.S.C. § 1519. Unlawful illegal destruction of evidence. They are allowing contempt of court by Glen Andrew Hall because he is a "COMMONWEALTH ATTORNEY". So, this Court is sending a dangerous message that he can violate any law he so desires. He can destroy any evidence he so desires, any evidence he wants to destroy he can do so

with impunity and Judge Greer is his BUDDY, his FRIEND, he will protect his friend and buddy. This is collusion, unethical, criminal, criminal behavior, and is racketeering. They are all breaking laws and allowing laws to be broken by the lawyers, in sheer violation of the federal Racketeer Influenced and Corrupt Organizations Act. See Racketeer Influenced and Corrupt Organizations Act (RICO): Originally published: October 15, 1970; Public law: 91-452; Enacted by: the 91st United States Congress; Long title: An Act relating to the control of organized crime in the United States; Statutes at Large: 84 Stat. 922-3 aka 84 Stat. 941; Titles amended: 18 U.S.C.: Crimes and Criminal Procedure; U.S.C. sections created: 18 U.S.C. §§ 1961–1968.

This appeal is being filed in good faith as it doesn't make sense for a Court to punish a criminal Defendant who has disproven multiple elements of the charged crime and not punish Glen Andrew Hall for refusing to comply with court orders and illegally destroying evidence. This is fraud, this is collusion. This is corruption. This is racketeering to demand any legal fees from the Defendant at this stage with all of the evidence on the record here. This is criminal racketeering and holding a man hostage who shouldn't be. He is innocent. **Brian David Hill = Innocence.** 

No guilty plea was entered as the only plea this may resemble was an Alford Plea which is not a guilty plea when evidence surfaces at a later time on disproving

the elements of the charge, Judge Greer knows that. None of this is right, none of this is moral. This is a complete miscarriage of justice and is collusion, fraud, and corruption without a doubt against an innocent man. I am being held hostage by these people, they are holding me hostage to my federal supervised release violation and causing my sentence to being extended. This is NOT MORAL; this is not the way criminal defendants should be treated in any court of law. Due process of law, DUE PROCESS OF LAW, DUE PROCESS OF LAW, GIVE ME LIBERTY OR GIVE ME DEATH!!!

Give me Liberty or Give Me Death. – As Patrick Henry said in Richmond,

Virginia at Saint John's Church. The answer to George Orwell's 1984 is 1776. The

answer to 1984 is 1776.

Respectfully submitted with the Court, This the 21st day of February, 2023.

Brian D. Hill

Brian D. Hill Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2 Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

Page **11** of **14** 

I hereby certify that a true and accurate copy of the foregoing NOTICE OF APPEAL was faxed or emailed/transmitted by my Assistant Roberta Hill at <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> (due to Probation Conditions of not being allowed to use the Internet) or delivered this 21st day of February, 2022, to the following parties:

The undersigned certifies as follows:

1. The name and address of the Appellant is:

Brian David Hill – Ally of Q and Attorney Lin Wood

Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

- 2. Appellant is not represented by counsel at this time.
- 3. The names of Appellees is:

Commonwealth of Virginia

City of Martinsville

4. The name, address, and telephone number of counsel for appellees' is:

G. Andrew Hall

Martinsville Commonwealth's Attorney

55 W. Church Street

Martinsville, VA 24112

(276) 403-5470

5. A copy of this Notice of Appeal has been electronically transmitted by Roberta Hill (electronic filing representative) via email to the Martinsville Circuit Court Clerk's

Office, to opposing counsel, and electronically filed by Roberta Hill (electronic filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on February 21, 2023.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq.
Commonwealth Attorney's Office for the City of Martinsville

55 West Church Street

P.O. Box 1311

Martinsville, Virginia 24114/24112 Attorney for the Commonwealth

Phone: (276) 403-5470 Fax: (276) 403-5478

Email: ahall@ci.martinsville.va.us

Hon. Ashby R. Pritchett, Clerk of the

Court

Circuit Court for the City of

Martinsville

Phone: 276-403-5106 Fax: 276-403-5232

55 West Church Street, Room 205

P.O. Box 1206

Martinsville, VA 24114

Email: apritchett@vacourts.gov

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c/o Roberta Hill at <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

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Brian D. Hill



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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER Case No. CR19000009-00

**BRIAN DAVID HILL** 

UPON CONSIDERATION of the defendant's Motion for Set Aside or Relieve Defendant of Judgment of Conviction of Criminal Charge, it is ORDERED that said motion is hereby DENIED.

ENTER: This 14th day of February, 2023.

Judge

Endorsement is dispensed with – Rule 1:13

TWENTY-FIRST JUDICIAL CIRCUIT OF VIRGINIA

By: Deputy Clerk

# COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE, PLAINTIFF(s), WOTION TO RECONSIDER THE ORDER DENYING "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT,

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

MOTION TO RECONSIDER THE ORDER DENYING "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

Respectfully submitted with the Court,

**CLERICAL FACTUAL ERRORS"** 

This the 17th day of February, 2023.

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

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represented the Defendant may have been hired years later as the Assistant
Commonwealth's Attorney and works for the Commonwealth's Attorney against
the Defendant despite being in conflict of interest in representing the Defendant
previously in the same criminal case, and then switching sides to the
Commonwealth Attorney. The Court should have conducted an inquiry into this
and issued appropriate orders in dealing with the conflict of interest as it was
made known to the Court. Instead, the Court refused to conduct an inquiry or
hold any hearings over this, refused to ask for a response from the
Commonwealth's Attorney and allowed the conflict of interest to remain in place
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accountable for fraud on the court and non-compliance with court orders for
discovery, which is contempt of court, is in violation of the Fourteenth
Amendment of the U.S. Constitution under both Due Process Clause and Equal
Protection Clause;
Element 6: Denying the Motion and not holding any attorney/lawyer accountable for
non-compliance with court orders and conflicts of interests sets a very dangerous
precedent never usually seen before in appellate case law where a party or
attorney for a party doesn't have to comply with any court orders. Makes court
orders useless and ineffective when they can be disobeyed. Sets the precedent in
the future where Glen Andrew Hall the Commonwealth's Attorney can destroy
any evidence they want to even after court orders asking for it. They can destroy
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Motion to Reconsider the Order denying "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

COMES NOW the Defendant, BRIAN DAVID HILL ("Defendant"), by and through himself pro se, and moves this Honorable Court for the following independent action, for reconsideration of it's Order on February 14th, 2023 denying Defendant's filed "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

The very motion which was denied was filed on January 26, 2023. Motion was denied shortly after new evidence was filed with the Court as to a FOIA response from Kendall Davis who works for the City of Martinsville as its Public Information Officer. Kendall Davis filed a response with answers to Defendant's questions sourced from Martinsville Chief of Police Rob Fincher. This evidence verifies by statements from a Chief law enforcement officer proving that the bodycamera footage was unlawfully destroyed. The Court didn't get a chance to hold any inquiry or evidentiary hearing to address the Police Chief admitting cover up of material evidence, proving evidence was destroyed in response to two court orders

for discovery materials, one court order from Hon. Giles Carter Greer. The Circuit court filed a second court order on July 15, 2019 for discovery evidence not knowing that the body-camera footage had already been secretly destroyed and deleted while Police Chief was G. E. Cassady. The new police chief is exposing information which proves what Defendant had suspected for years without any answers from Martinsville Police Department. Fraud on the Court had been proven.

The order was filed or issued I believe on 02/14/2023, which is February 14, 2023, "DENIED MOT SET ASIDE CONV".

New evidence had recently been discovered and filed which may or may not had been reviewed by the Hon. Giles Carter Greer, the Judge of this Circuit Court. Either it had not been reviewed or the Judge had not had the time to review over the newly obtained evidence which further warrants relief herein. Rule 1:1 does not bar relief asked in the motion pursuant to Virginia Code § 8.01-428(D), Virginia Code § 8.01-428(A) and Virginia Code § 8.01-428(B), which was denied.

The new evidence proves **Element 2 of the Statement of the Facts** in Defendant's filed "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

### **ACCOMPANYING EVIDENCE FILINGS:**

The following evidence filings shall accompany this filing in support of this MOTION and is referenced herein.

1. RECONSIDERATION-EXHIBITS-2-16-2023.pdf - EXHIBITS 1-7
attached to: "Motion to Reconsider the Order denying "MOTION FOR SET
ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF
CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D),
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE
BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".
This document is being filed separately but accompanies this MOTION so that the
judge can easily access the citations of the different page numbers from this
separate document referenced in this Motion. – Pages marked as
RECONSIDERATION EXHIBIT (#) OF 48.

The grounds in support of this motion are briefly as follows and this motion is also presenting a brief with legal arguments, facts, and evidence in support of this motion.

### **GROUNDS:**

1. The additional evidence EXHIBITS 1-7 further proves Fraud on the Court (Element 1);

- 2. Rule 1:1 doesn't bar relief under Virginia Code § 8.01-428(D), Virginia Code § 8.01-428(A) and Virginia Code § 8.01-428(B) (Element 2);
- 3. Fraud on the Court has been proven in multiple aspects. Fraud and collusion (Element 3);
- 4. Attorney Scott Albrecht who was the Assistant Public Defender who represented the Defendant may have been hired years later as the Assistant Commonwealth's Attorney and works for the Commonwealth's Attorney against the Defendant despite being in conflict of interest in representing the Defendant previously in the same criminal case, and then switching sides to the Commonwealth Attorney. The Court should have conducted an inquiry into this and issued appropriate orders in dealing with the conflict of interest as it was made known to the Court. Instead, the Court refused to conduct an inquiry or hold any hearings over this, refused to ask for a response from the Commonwealth's Attorney and allowed the conflict of interest to remain in place without asking any questions (Element 4);
- 5. Refusing to hold Glen Andrew Hall the Commonwealth's Attorney accountable for fraud on the court and non-compliance with court orders for discovery, which is contempt of court, is in violation of the Fourteenth Amendment of the U.S. Constitution under both Due Process Clause and Equal Protection Clause (Element 5);

6. Denying the Motion and not holding any attorney/lawyer accountable for non-compliance with court orders and conflicts of interests sets a very dangerous precedent never usually seen before in appellate case law where a party or attorney for a party doesn't have to comply with any court orders. Makes court orders useless and ineffective when they can be disobeyed. Sets the precedent in the future where Glen Andrew Hall the Commonwealth's Attorney can destroy any evidence they want to even after court orders asking for it. They can destroy any evidence and violate any court order without any consequence. This promotes anarchy and promotes becoming a law onto himself. Opens the door for possibly vigilante justice and makes the law no longer enforceable (Element 6).

### **END GROUNDS**

### ADDITIONAL STATEMENT OF THE FACTS

This additional STATEMENT OF THE FACTS contains 6 additional elements, which should be taken into consideration when making a decision on reconsideration of the order denying Defendant's filed "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

The additional Statement of the Facts is hereby presented to the Circuit Court for Martinsville based on the following new pieces of evidence which prove that the Honorable Court should reconsider its decision denying the Defendant's motion on its order dated February 14, 2023:

## Element 1: The additional evidence EXHIBITS 1-7 further proves Fraud on the Court;

The Defendant had already shown material evidence proving Fraud on the Court in the original motion, which was overlooked or wasn't taken into consideration. The Defendant had already shown a FOIA Request letter faxed and filed on January 20, 2023, but at the time the motion was filed on January 26th, there was no response or answer from the City of Martinsville and Martinsville

Police Department. Again, see the filing **EXHIBIT PAGES 202-209 OF 337** in **EXHIBIT 12** for **attached EXHIBITS to:** "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" by Brian David Hill.

However, the City of Martinsville and Martinsville Police Department together did send a valid response or answers on February 13, 2023 by email from Kendall Davis. See **RECONSIDERATION EXHIBIT PAGE 1-4 OF 48**, **EXHIBIT 1**.

The email attachment shows a letter from Kendall Davis with information directly from a new Police Chief named Rob Fincher. See **RECONSIDERATION EXHIBIT PAGE 5-8 OF 48**, **EXHIBIT 2**. This proves the body-camera footage which was material evidence within the scope of multiple court orders was destroyed on April 9, 2019, while Defendant was still in federal detainment. The evidence was destroyed and spoliated silently by deletion in their electronic body-camera footage storing system, deleted as if it were routine because it was not marked as evidence even after two court orders had already been filed and served on the Commonwealth's Attorney asking for the body-camera footage. One of

those orders was entered by this Honorable Court, by Hon. Giles Carter Greer. So, the judge of this Honorable Court knows and understands as a judge that court orders were not complied with, his court order was not complied with. None of his court orders for discovery were ever complied with, and this Honorable Court didn't even know during Judge Greer's second court order on July 15, 2019, that the body-camera footage was already destroyed after Judge Greer's first court order for discovery. The General District Court asked for the body-camera footage and that order was not complied with. This is proven as willful contempt of court, willful non-compliance with court orders. Willful non-compliance with court orders of both General District Court and the Circuit Court by the Commonwealth's Attorney Glen Andrew Hall.

This Honorable Court was informed of the answer from the City of Martinsville proving Element 2 in the Defendant's denied motion, proving deliberate and willful destruction of evidence by not marking the body-camera footage as evidence even after multiple court orders asking for the body-camera footage. This is willful and deliberate. Deliberate and willful non-compliance from a lawyer nonetheless, a LAWYER, somebody who is supposed to be an officer of the court, and is all about the law. Multiple court orders were not complied with, so this is not a mistake here. See **RECONSIDERATION EXHIBIT PAGE 9-13 OF**48, EXHIBIT 3. See the Court Orders on EXHIBIT PAGE 272-280 OF 337,

EXHIBIT 22 of Evidence Exhibits-1-26-2023.pdf - EXHIBITS 1-25 attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

Defendant had filed a "STATUS LETTER TO HONORABLE GILES CARTER GREER (JUDGE); CLERK OF MARTINSVILLE CIRCUIT COURT", Date: Tuesday, February 14, 2023. Same day as the order. The Honorable Court didn't have the time to consider the implications of what was brought up in that status letter regarding the new evidence and the admissions by Police Chief Ron Fincher as to the evidence deletion/destruction/spoliation suspected by the Defendant. See **RECONSIDERATION EXHIBIT PAGE 4-28 OF 48**, **EXHIBIT 4**. There is more than enough clear and convincing evidence for Defendant's burden of proof to establish enough proof of fraud on the court.

It is fraud on the court to destroy evidence, especially after the Court had asked for the discovery evidence.

McQueeney v. Wilmington Trust Co., 779 F.2d 916, 921 (3d Cir. 1985)

("There is ample support among both scholars and courts for this line of argument.

Wigmore calls the inference "one of the simplest in human experience": It has

always been understood — the inference indeed is one of the simplest in human experience — that a party's falsehood or other fraud in the preparation and presentation of his cause, his fabrication or suppression of evidence by bribery or spoliation, is receivable against him as an indication of his consciousness that his case is a weak or unfounded one; and from that consciousness may be inferred the fact itself of the cause's lack of truth and merit.").

See Vodusek v. Bayliner Marine Corp., 71 F.3d 148 (4th Cir. 1995), holding that an adverse inference instruction was appropriate because the plaintiff's expert willfully destroyed parts of a boat at issue in a products-liability action before the defendant and its experts were able to examine it. Vodusek v. Bayliner Marine Corp., 71 F.3d 148, 156 (4th Cir. 1995) ("To draw an adverse inference from the absence, loss or destruction of evidence, it would have to appear that the evidence would have been relevant to an issue at trial and otherwise would naturally have been introduced into evidence. Even the mere failure, without more, to produce evidence that naturally would have elucidated a fact at issue permits an inference that "the party fears[to produce the evidence]; and this fear is some evidence that the circumstance or document or witness, if brought, would have exposed facts unfavorable to the party." 2 Wigmore on Evidence, Section(s) 285 at 192 (Chadbourn rev. 1979)."). Body-camera footage would have shown as material evidence things which were not favorable to the Commonwealth's Attorney and

would have led to a non-guilty verdict in General District Court or even a successful motion for case dismissal or acquittal.

Attorney Scott Albrecht on record had filed no push to compel compliance with the court orders, the very court orders he pushed for. For what he pushed for and for what he was supposed to do as part of the discovery rights of the Defendant, but failed to enforce those court orders not being complied with. Then evidence later surfaces this year showing collusion between Scott Albrecht and Glen Andrew Hall, Esquire. If Scott Albrecht was just some terrible lawyer who did a terrible job at defending his clients when he was the Assistant Public Defender, then why would Glen Andrew Hall hire Scott Albrecht as his Assistant Commonwealth's Attorney??? Why hire a lawyer who did a lousy job defending his own clients unless that was deliberate and would draw a reasonable inference that Scott Albrecht had always been helpful to the prosecution, helpful to Glen Andrew Hall this entire time. That is collusion and fraud. To give a deceptive appearance that Scott Albrecht was fighting for his client when in reality he was not. This is a rigged judicial system, and that violates both procedural due process of law and substantive due process of law, under the Fourteenth Amendment of the U.S. Constitution and Virginia Constitution's Article I. Bill of Rights; Section 11. See RECONSIDERATION EXHIBIT PAGE 29-42 OF 48, EXHIBIT 5.

There were a lot of things as far as even the General District Court that they were not made aware of because of Attorney Scott Albrecht who now works as the Assistant Commonwealth's Attorney being paid a salary from Glen Andrew Hall the Commonwealth Attorney. A lot of evidence and facts the Court was never aware of, and evidence they were never aware of. Both Courts were deceived and were in the dark. How is this not fraud on the court? See **RECONSIDERATION EXHIBIT PAGE 43-46 OF 48**, **EXHIBIT 6**. See the short summary and learn how fraudulent the entire prosecution was against an innocent person deceptively portrayed as guilty by the Commonwealth's Attorney.

The last piece of evidence shows a difference between how Defendant had been treated by this Court and how Glen Andrew Hall is being treated. Glen Andrew Hall is being allowed to illegally destroy evidence, cover up evidence, not comply with court orders he/she wishes, and doesn't have to comply with any law of the land. Yet after the General District Court found Defendant guilty, Defendant was released to or transferred to federal custody and was taken to the Western Virginia Regional Jail before the Clerk of the General District Court even noted an appeal to the Circuit Court. Appellant was then court ordered by the U.S. District Court to be mentally evaluated at a federal facility which was the Federal Correctional Institution 1 at Butner, North Carolina. That is a federal prison. So, Defendant couldn't even possibly appear before the hearing in the Circuit court

unless theoretically he broke out of prison, he couldn't even appear before the Circuit Court while he was federally incarcerated. They knew Defendant was incarcerated against his will yet the corrupt law-breaking Commonwealth Attorney Glen Andrew Hall pushed Judge Greer to order a capias for failure to appear on January 28, 2019 for a Defendant detained against his will on the day of the hearing while in federal custody; so, he couldn't possibly appear unless he had theoretically broken out of prison and hitched a ride to the Circuit Court for the hearing. The whole thing is cartoonish, it is insane, it is outlandish. See **RECONSIDERATION** 

#### EXHIBIT PAGE 47-48 OF 48, EXHIBIT 7.

It shown and I quote:

# CITATION OF **RECONSIDERATION EXHIBIT PAGE 48 OF 48**, **EXHIBIT 7**

Jeanie Nunn

From: Nancy Sherman

Sent: Friday, February 01, 2019 10:35 AM

To: Jeanie Nunn; Andy Hall Subject: RE: Brian David Hill

The Sheriffs Office confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.

\_\_\_\_\_

From: Jeanie Nunn < JNUNN@ci.martinsville.va.us>

Sent: Tuesday, January 29, 2019 2:43 PM

To: Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; Scott Albrecht (salbrecht@mar.idc.virginia.gov) <salbrecht@rnar.idc.virginia.gov>

Page 18 of 59

Cc: Judge Greer <cgreer@ci.martinsville.va.us>

Subject: Brian David Hill

On January 28, at the request of the Commonwealth, the Judge directed me to issue a capias on Mr. Hill since he is in Federal Custody in Butner NC and the Commonwealth wanted it placed as a Detainer against him. In reviewing his file determining the reason to show for the capias, I knew it couldn't be failure to appear so I thought "REVOKE HIS BOND". However, Mr. Hill has never made bond, therefore, the indecent exposure charge should be listed in his file in

the federal system and he should have a detainer against him anyway. The commonwealth may be able to contact Butner or possibly get the police department to check and make sure it is showing on his file that he has to be returned to us after completion of his fed time for the pending offense here.

Or Judge, if you have a particular charge you want me to issue a capias under and place a new detainer, please advise. Also, do I just continue this until next misdemeanor appeal day for a status review?

Thanks,

Jeanie Nunn

Certified Master Chief Deputy Clerk

Martinsville Circuit Court

PO Box 1206

Martinsville, VA 24114

EXHIBIT 7 proves one thing, Glen Andrew Hall of the Commonwealth's Attorney didn't care that Defendant was in Butner, North Carolina in federal custody, so how could he appear on January 28??? Mr. Hall was already ready to push a failure to appear charge knowing that the Defendant couldn't possibly appear because of Butner, North Carolina being a federal prison where Defendant had been detained at the time. Andrew Hall didn't care that the Defendant didn't

willfully fail to appear, he demanded a capias and Judge Greer agreed with Mr. Hall even though Defendant had a good reason for not appearing, and the Sheriff's office of Martinsville knew the Feds picked up the Defendant, so Andy Hall had pushed for a false charge of possibly "failure to appear" against the Defendant, a capias based on false pretenses. A charged crime has to be proven willful and without a valid excuses or good reason. Maybe Defendant is misunderstanding what the capias was about. However, the Defendant was in federal custody at the time of the hearing on January 28, 2019.

Yet the Commonwealth Attorney Glen Andrew Hall deliberately covered up evidence and didn't do their due diligence to preserve the body-camera footage after multiple court orders already. They didn't comply with two to three court orders. When multiple court orders are not being followed, that is a repeated behavior which has yet to be deterred, a repeated pattern of non-compliance. That is willful. Not a criminal defendant who was forcefully incarcerated by the Feds and taken to Butner, NC. He didn't appear because he was in federal prison and was taken away by the Feds. Now Andrew Hall aka Andy Hall made no excuse or good reason why he never complied with a single court order being highlighted by the Defendant as to the issues of fraud on the court.

Element 1 has been satisfied.

# Element 2: Rule 1:1 doesn't bar relief under Virginia Code § 8.01-428(D), Virginia Code § 8.01-428(A) and Virginia Code § 8.01-428(B);

Defendant had already explained in his denied Motion that Rule 1:1 doesn't bar fraud on the court claims. This Court did have jurisdiction to act on this independent action motion.

Virginia Code § 8.01-428, is a limited statutory exception to Rule 1:1. Code § 8.01-428(D), permits a party to move to set aside a judgment for fraud upon the court, also applies in criminal cases. Pursuant to Code § 8.01-428(B), trial courts may also utilize *nunc pro tunc* orders to correct clerical errors within the record beyond the timeframe of Rule 1:1. *Jefferson v. Commonwealth*, 298 Va. 473, 476–77, 840 S.E.2d 329, 332 (2020).

See Wilson v. Commonwealth, 108 Va. Cir. 97, 101–02 (Fairfax Cir. Ct. Apr. 20, 2021) (Ortiz, J.) (holding that Code § 8.01-428(D) applies in criminal proceedings); see also Lamb v. Commonwealth, 222 Va. 161, 165, 279 S.E.2d 389, 392 (1981) (holding that Code § 8.01-428(B) applies in criminal cases and noting that the text of Code § 8.01-428 does not limit its applicability to civil cases as its statutory predecessors did).

Fraud on the Court in different aspects had already been proven.

For the sake of brevity, Defendant will not reiterate all of the text from every other element regarding the evidence and arguments referenced and cited from all Page 21 of 59

other elements. Defendant hereby incorporates by reference, as if fully set forth herein, all of the <u>Element 1</u>, <u>Element 3</u>, <u>Element 4</u>, <u>Element 5</u>, and <u>Element 6</u> evidence, arguments, and citations.

Element 2 has been satisfied.

# Element 3: Fraud on the Court has been proven in multiple aspects. Fraud and collusion;

Defendant has the evidence, and that evidence is already in the records of the Circuit Court and General District Court records transferred to the Circuit Court.

Defendant had done his due diligence to inform this Honorable Court once he received or obtained new evidence of fraud on the court. This evidence is new and could not have been obtained while Eric Monday was the City's Attorney, as this attorney worked hard against the Defendant. This evidence is new and could not have been obtained while G. E. Cassady was the City's Chief of Police, as this police chief worked hard against the Defendant, and ignored any evidence mailed to them. Rob Fincher becomes the new police chief and all of the sudden things start moving forward, and evidence is obtained which was impossible prior to this new police chief.

See example case: Wilson v. Commonwealth, CL-2021-0003146, 2 (Va. Cir. Ct. Apr. 20, 2021) ("The following facts demonstrate an alarming chain of events Page 22 of 59

that began with an unlawful traffic stop, continued with a fraudulent police report and misrepresentations to a magistrate and the Commonwealth's Attorney's office, and resulted in Wilson's conviction. An internal investigation and discovery disclosures revealed an extensive trail of fraud and deception.")

The entire prosecution had become an extensive trail of fraud and deception. Defendant was never psychologically and medically cleared as previously assumed by the Officer Robert Jones. Didn't this Court read the transcript in federal court as to the arresting Officer Robert Jones who filed the CRIMINAL COMPLAINT since the General District Court has no transcription of its Trial???

See pages 22-26 (Element 1 of the Statement of the Facts) and pages 39-79 (Statement of the Facts: Element 3, Element 4, Element 5, Element 6) of the MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS.

It is deception and fraud, there shouldn't even be a judgment of conviction anymore. Keeping such a judgment is a fraud, it is a false criminal record, it is not even true. Only thing true was Defendant was naked, that is it. Not medically

cleared, no lab tests and no verification as to whether Defendant was intoxicated or not because it was deleted from the chart.

A criminal record means the law was violated by a suspect or criminal defendant, that every element of the charge had been proven. That is not true at all in the case of Brian David Hill prosecuted by Commonwealth Attorney Glen Andrew Hall.

The material element of intentionally making an obscene display was without merit. The material element of Defendant being "medically and psychologically cleared" was without merit. Simply being naked is not being obscene. Officer Jones admitted that the Defendant was not obscene. The Court didn't even inquire on its own and never asked Officer Robert Jones under penalty of perjury as to his statement in the federal court, omitted from the Transcript. The Court could have asked Robert Jones if what he had said was true on September 12, 2019, admitting under oath that the Defendant had never been obscene. See filing: Evidence\_Declaration-1-26-2023.pdf - EVIDENCE OF FEDERAL COURT DECLARATIONS UNDER PENALTY OF PERJURY IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS.

Then there are the statements in writing from current Police Chief Rob

Fincher admitting the body-camera footage was destroyed after two court orders
and multiple letters from the Defendant asking for the body-camera footage. The
evidence was unlawfully destroyed, in violation of multiple court orders, willfully
not complied with, and even after the Defendant had sent letters asking for the very
evidence within the scope of those court orders. As stated in **Element 1**.

Body-camera footage was illegally deleted, just like the medical record with lab test orders saying "deleted from the chart". Another evidence cover up without any investigation or inquiry of this Court. See <a href="EXHIBIT PAGE 260 OF 337">EXHIBIT PAGE 260 OF 337</a> for attached EXHIBITS to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" by Brian David Hill.

Fraud and deception because Officer Robert Jones said in the CRIMINAL COMPLAINT under oath that Defendant was "medically and psychologically cleared" when he was arrested for indecent exposure. That was not true. Defendant

had proven it was not true. Defendant had proven he was not obscene as admitted by Officer Jones.

Defendant had proven fraud, he had proven the entire arrest was defective, "defective" being the word here. The arrest was defective and based on not solid evidence but false assumptions. Defendant was not medically cleared, he can never be proven to have been medically cleared at the time on September 21, 2018, because evidence was covered up. Evidence which would have proven intoxication. Evidence was proven to have been covered up by both Martinsville Police Department and Sovah Health Martinsville the local hospital. Evidence was destroyed and covered up all the way, any evidence favorable to the Defendant, that is fraud and deception. The criminal record of Brian David Hill is a deception at this point, it was fraudulent from the very foundation and should not stand in this case before this very Court. Defendant had proven that in his motion, this Court made the wrong decision denying that motion.

Element 3 has been satisfied.

Element 4: Attorney Scott Albrecht who was the Assistant Public Defender who represented the Defendant may have been hired years later as the Assistant Commonwealth's Attorney and works for the Commonwealth's Attorney against the Defendant despite being in conflict of interest in representing the Defendant previously in the same criminal case, and then switching sides to the Commonwealth Attorney. The Court should have conducted an inquiry into this and issued appropriate orders in dealing with the conflict of interest as it was made known to the Court. Instead, the Court refused to conduct an

# inquiry or hold any hearings over this, refused to ask for a response from the Commonwealth's Attorney and allowed the conflict of interest to remain in place without asking any questions;

This Honorable Court had a duty to conduct an inquiry to determine if a conflict of interest did exist. It did not conduct any inquiry and neither any investigation into the findings from a printed webpage of the City of Martinsville Staff Directory saying that Scott Albrecht is an Assistant Commonwealth's Attorney. It is clear on the face of the entire criminal case since Judge Greer also knew that Scott Albrecht had represented the Defendant in both General District Court and in this case before the Circuit Court until Lauren McGarry had taken over representation after Scott Albrecht had left the Public Defender Office. It is clear that Scott Albrecht is assisting the Commonwealth Attorney Glen Andrew Hall, is being paid a salary by Glen Andrew Hall, and it was Glen Andrew Hall who was the attorney for the Commonwealth which is the opposing counsel of Brian David Hill. This is clearly unethical here. This is a conflict of interest for sure. Law firms in Virginia and all over America do not hire a client for representation in a potential case or pending case until they do what is known as a process called the internal "conflicts check" to determine if the client in a potential case or pending case would be a conflict of interest. It is a conflict of interest for Scott Albrecht to have free reign over assisting the Commonwealth's Attorney in

the case involving Brian David Hill the criminal defendant in the very same case Scott Albrecht had represented the Defendant on from the very beginning since the General District Court. It's all proven on the record since the very beginning ever since the Defendant was appointed the Public Defender as counsel, which Scott Albrecht became the representative of Defendant. IT IS A CONFLICT OF INTEREST. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also Holloway v. Arkansas, 435 U.S. 475 (1978); Dowell v. Commonwealth, 3 Va. App. 555 (1987).

This is unethical, unprofessional and unconstitutional for such a conflict of interest here. We are supposed to have impartiality and a separation of powers. A public defender is not supposed be working with the very same prosecutor in the very same case. It is weird, it is not supposed to happen. What is going on here? Why is this Court protecting such a conflict of interest and when a conflict of interest is violating State Bar rules without even an inquiry???

For the sake of brevity, Defendant will not reiterate all of the text from every other element regarding the evidence and arguments referenced and cited from all other elements. Defendant hereby incorporates by reference, as if fully set forth herein, all of the <u>Element 1</u>, <u>Element 2</u>, <u>Element 3</u>, <u>Element 5</u>, and <u>Element 6</u> evidence, arguments, and citations.

Element 4 has been satisfied.

# Element 5: Refusing to hold Glen Andrew Hall the Commonwealth's Attorney accountable for fraud on the court and non-compliance with court orders for discovery, which is contempt of court, is in violation of the Fourteenth Amendment of the U.S. Constitution under both Due Process Clause and Equal Protection Clause;

It is this Court's duty to hold all parties to a case accountable when a court order is not being complied with, when a court order is being ignored by an attorney who is an officer of the court who represents a party to a case. When evidence surfaces of a court order being violated and/or not complied with then it is this Court's inherit authority and duty to sanction a party or sanction that party's attorney. When evidence surfaces of a court order being violated and/or not complied with then it is this Court's inherit authority and duty to punish a party or punish that party's attorney. The Commonwealth's Attorney is not immune from having to comply with Court Orders. All attorneys are expected to comply with court orders, and be sanctioned when they refuse to comply. Because Glen Andrew Hall can violate as many court orders as he wants, the law no longer matters anymore, anybody can break the law, it creates a breakdown in a society of law and order.

See Wilson v. Commonwealth, CL-2021-0003146, (Va. Cir. Ct. Apr. 20, 2021) ("When one cog fails, subsequent rules malfunction, causing a breakdown in the judicial machinery...").

See Olmstead v. United States, 277 U.S. 438, 483 (1928) ("And if this Court should permit the Government, by means of its officers' crimes, to effect its purpose of punishing the defendants, there would seem to be present all the elements of a ratification. If so, the Government itself would become a lawbreaker."). Olmstead v. United States, 277 U.S. 438, 485 (1928) ("Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means — to declare that the Government may commit crimes in order to secure the conviction of a private criminal — would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face.").

Virginia case law states that a Court has a right to punish a party including an attorney for willful non-compliance with a court order.

United Mine Workers v. Clinchfield Coal, 12 Va. App. 123, (Va. Ct. App. 1991) ("(1) Courts — Contempt of Court — Standard. — Compensatory civil contempt sanctions compensate the plaintiff for losses sustained because of the defendant's non-compliance or disobedience of a court's order; coercive civil contempt sanctions are imposed to coerce a defendant into complying with the orders of a court. (2) Courts — Contempt of Court — Standard. — When a case is settled by the parties, every proceeding dependent on it or a part of it is also necessarily settled, without prejudice, however, to the power and right of the court by proper proceedings to punish for contempt of court.").

United Mine Workers v. Clinchfield Coal, 12 Va. App. 123, 133 (Va. Ct. App. 1991) ("In contempt cases, both civil and criminal relief have aspects that can be seen as either remedial or punitive or both: when a court imposes fines and punishments on a contemnor, it is not only vindicating its legal authority to enter the initial court order, but it is also seeking to give effect to the law's purpose of modifying the contemnor's behavior to conform to the terms required in the order.").

As with the Commonwealth's Attorney, they pushed for a capias charge against the Defendant for failure to appear while incarcerated in Butner federal

prison in North Carolina against his will, so the Commonwealth Attorney was willing to push any penalty or sanctions to enforce compliance. Yet the Commonwealth's Attorney is allowed to violate any court they wish, they can refuse to follow a Court Order, and being allowed to refuse to follow a Court Order makes it meaningless as filed. A Court Order is meaningless unless it is enforced by any applicable punishment or sanction.

The last piece of evidence as to **EXHIBIT 7** shows a difference between how Defendant had been treated by this Court and how Glen Andrew Hall is being treated. Glen Andrew Hall is being allowed to illegally destroy evidence, cover up evidence, not comply with court orders he/she wishes, and doesn't have to comply with any law of the land. Yet after the General District Court found Defendant guilty, Defendant was released to or transferred to federal custody and was taken to the Western Virginia Regional Jail before the Clerk of the General District Court even noted an appeal to the Circuit Court. Appellant was then court ordered by the U.S. District Court to be mentally evaluated at a federal facility which was the Federal Correctional Institution 1 at Butner, North Carolina. That is a federal prison. So, Defendant couldn't even possibly appear before the hearing in the Circuit court unless theoretically he broke out of prison, he couldn't even appear before the Circuit Court while he was federally incarcerated. They knew Defendant was incarcerated against his will yet the corrupt law-breaking Commonwealth

Attorney Glen Andrew Hall pushed Judge Greer to order a capias for failure to appear on January 28, 2019 for a Defendant detained against his will on the day of the hearing while in federal custody; so, he couldn't possibly appear unless he had theoretically broken out of prison and hitched a ride to the Circuit Court for the hearing. The whole thing is cartoonish, it is insane, it is outlandish. See

#### RECONSIDERATION EXHIBIT PAGE 47-48 OF 48, EXHIBIT 7.

It shown and I quote:

# CITATION OF <u>RECONSIDERATION EXHIBIT PAGE 48</u> <u>OF 48, EXHIBIT 7</u>

Jeanie Nunn

From: Nancy Sherman

Sent: Friday, February 01, 2019 10:35 AM

To: Jeanie Nunn; Andy Hall Subject: RE: Brian David Hill

The Sheriffs Office confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.

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From: Jeanie Nunn < JNUNN@ci.martinsville.va.us>

Sent: Tuesday, January 29, 2019 2:43 PM

To: Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; Scott Albrecht (salbrecht@mar.idc.virginia.gov) <salbrecht@rnar.idc.virginia.gov>

Cc: Judge Greer <cgreer@ci.martinsville.va.us>

Subject: Brian David Hill

On January 28, at the request of the Commonwealth, the Judge directed me to issue a capias on Mr. Hill since he is in Federal Custody

in Butner NC and the Commonwealth wanted it placed as a Detainer against him. In reviewing his file determining the reason to show for the capias, I knew it couldn't be failure to appear so I thought "REVOKE HIS BOND". However, Mr. Hill has never made bond, therefore, the indecent exposure charge should be listed in his file in

the federal system and he should have a detainer against him anyway. The commonwealth may be able to contact Butner or possibly get the police department to check and make sure it is showing on his file that he has to be returned to us after completion of his fed time for the pending offense here.

Or Judge, if you have a particular charge you want me to issue a capias under and place a new detainer, please advise. Also, do I just continue this until next misdemeanor appeal day for a status review?

Thanks,
Jeanie Nunn
Certified Master Chief Deputy Clerk
Martinsville Circuit Court
P O Box 1206
Martinsville, VA 24114

EXHIBIT 7 proves one thing, Glen Andrew Hall of the Commonwealth's Attorney didn't care that Defendant was in Butner, North Carolina in federal custody, so how could he appear on January 28??? Mr. Hall was already ready to push a failure to appear charge knowing that the Defendant couldn't possibly appear because of Butner, North Carolina being a federal prison where Defendant had been detained at the time. Andrew Hall didn't care that the Defendant didn't willfully fail to appear, he demanded a capias and Judge Greer agreed with Mr. Hall even though Defendant had a good reason for not appearing, and the Sheriff's office of Martinsville knew the Feds picked up the Defendant, so Andy Hall had

pushed for a false charge of possibly "failure to appear" against the Defendant, a capias based on false pretenses. A charged crime has to be proven willful and without a valid excuses or good reason. Maybe Defendant is misunderstanding what the capias was about. However, the Defendant was in federal custody at the time of the hearing on January 28, 2019.

Yet the Commonwealth Attorney deliberately covered up evidence and didn't do their due diligence to preserve the body-camera footage after multiple court orders already. They didn't comply with three court orders and didn't have to make any excuses either, they just simply got away with it. When multiple court orders are not being followed, that is a repeated behavior, a repeated pattern of non-compliance. That is willful. Not a criminal defendant who was forcefully incarcerated by the Feds and taken to Butner, NC. He didn't appear because he was in federal prison and was taken away by the Feds. Now Andrew Hall aka Andy Hall made no excuse or good reason why he never complied with a single court order being highlighted by the Defendant as to the issues of fraud on the court.

It violates the equal protection of the law, doesn't follow equal application of the law. See the Fourteenth Amendment of the U.S. Constitution.

#### CITATION OF AMENDMENT XIV, U.S. Constitution:

Section 1 Rights: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the

privileges or immunities of citizens of the United States; nor shall any State

deprive any person of life, liberty, or property, without due process of law; nor

deny to any person within its jurisdiction the equal protection of the laws.

Defendant had been deprived of equal protection of the laws by having any court orders enforced upon him but not against the Commonwealth's Attorney Glen Andrew Hall. If this Court refuses to hold a contemnor accountable such as Glen Andrew Hall, then this violates the Fourteenth Amendment of the U.S. Constitution's requirement of equal protection of the laws. The law applies to both sides of a case, the rules apply to all sides within a case, and the court orders are supposed to be complied with by all sides of a case. That is the law. Is Glen Andrew Hall allowed to ignore court orders and violate them as much as he wishes???

Judge Greer of this Honorable Court must understand that this sets a very dangerous precedent which will be further explained in **Element 6**.

For the sake of brevity, Defendant will not reiterate all of the text from every other element regarding the evidence and arguments referenced and cited from all other elements. Defendant hereby incorporates by reference, as if fully set forth herein, all of the <u>Element 1</u>, <u>Element 2</u>, <u>Element 3</u>, <u>Element 4</u>, and <u>Element 6</u> evidence, arguments, and citations.

Element 5 has been satisfied.

Element 6: Denying the Motion and not holding any attorney/lawyer accountable for non-compliance with court orders and conflicts of interests sets a very dangerous precedent never usually seen before in appellate case law where a party or attorney for a party doesn't have to comply with any court orders.

Makes court orders useless and ineffective when they can be disobeyed. Sets the precedent in the future where Glen Andrew Hall the Commonwealth's Attorney can destroy any evidence they want to even after court orders asking for it. They can destroy any evidence and violate any court order without any consequence. This promotes anarchy and promotes becoming a law onto himself. Opens the door for possibly vigilante justice and makes the law no longer enforceable.

Denying the Motion filed on January 26, 2023, and refusing to hold Glen Andrew Hall accountable at all for disobeying court orders. I am referring to Glen Andrew Hall ignoring court orders after being served with those court orders, and destroying evidence in response to court orders. If Glen Andrew Hall is never held accountable in any way, shape, or form by this Court, then this creates the issue that this Court is not impartial, is biased, and appears to be colluding with Glen Andrew Hall the contemnor, and the contempt is allowed because it is Glen Andrew Hall willfully disobeying multiple court orders. It sets a very dangerous precedent never before supposed to be seen in a court of law, never supposed to be heard before in a court of law. At least it shouldn't be according to case law.

Calamos v. Commonwealth, 184 Va. 397, (Va. 1945) ("1. CONTEMPT — Disobedience of Decree — Persons Not Parties — Ignorance of Decree. — In order to punish a person for contempt of court for violation of an order, judgment, or Page 37 of 59

decree, it must appear that such order, judgment, or decree has been personally served on the one charged, or that he has had actual notice of the making of such order or rendition of such judgment or decree. 2. CONTEMPT — Disobedience of Decree — Persons Not Parties — Ignorance of Decree — Decree of Injunction Operating in Rem. — Where a decree of injunction operates in rem against an illegal use of specific real property, there is an exception to the rule that, in order to punish a person for contempt of court for violation of an order, judgment, or decree, it must appear that such order, judgment, or decree has been personally served on the one charged, or that he has had actual notice of the making of such order or rendition of such judgment or decree.") Glen Andrew Hall is an officer of the Court and he was served with every order of the Court unless the Court notes that service was not made on the Commonwealth's Attorney Glen Andrew Hall.

Unger v. Commonwealth, Record No. 2196-14-2, 3-4 (Va. Ct. App. Dec. 22, 2015) ("The common law defines contempt and establishes the inherent power of courts to punish it. E.g., Parham v. Commonwealth, 60 Va. App. 450, 456-57, 729 S.E.2d 734, 736-37 (2012). Nevertheless, the General Assembly is authorized to regulate the courts' exercise of that power. Va. Const. art. IV, § 14. This legal framework is affected by constitutional due process doctrine that recognizes two forms of criminal contempt—direct and indirect. See, e.g., Scialdone v. Commonwealth, 279 Va. 422, 442-43, 689 S.E.2d 716, 727-28 (2010)."). Unger v.

Commonwealth, Record No. 2196-14-2, 4 (Va. Ct. App. Dec. 22, 2015) ("Constitutional principles further instruct that contempt is indirect, by contrast, "[i]f some essential elements of the offense are not personally observed by the judge, so that he must depend upon statements made by others." Id. at 443-44, 689 S.E.2d at 728 (quoting Oliver, 333 U.S. at 275). In the case of indirect contempt, the accused must be advised of the charges against her, be afforded the right to legal representation, and "have a chance to testify and call other witnesses in [her] behalf." Id. at 443, 689 S.E.2d at 728 (quoting Oliver, 333 U.S. at 275). Indirect contempt proceedings generally also include the right to cross-examine adverse witnesses, although this right derives from due process rather than from the Confrontation Clause. See Gilman v. Commonwealth, 275 Va. 222, 228, 657 S.E.2d 474, 476 (2008) (citing U.S. Const. amend. VI); Parham, 60 Va. App. at 458, 729 S.E.2d at 737."). Estate of Hackler v. Hackler, 44 Va. App. 51, 64 (Va. Ct. App. 2004) ("A court may find a party in contempt for "[d]isobedience or resistance ... to any lawful process, judgment, decree or order of the court." Code § 18.2-The power to punish for contempt is inherent in, and as ancient as, courts 456(5). themselves. It is essential to the proper administration of the law, to enable courts to enforce their orders, judgments and decrees, and to preserve the confidence and respect of the people without which the rights of the people cannot be maintained and enforced. Carter v. Commonwealth, 2 Va.App. 392, 395, 345 S.E.2d 5, 7

(1986) (citations omitted). See also Va. Const. art. IV, § 14; Gompers v. Buck's Stove Range Co., 221 U.S. 418, 450, 31 S.Ct. 492, 501, 55 L.Ed. 797 (1911); Nicholas v. Commonwealth, 186 Va. 315, 321, 42 S.E.2d 306, 309 (1947); Forbes v. State Council of Va., 107 Va. 853, 856, 60 S.E. 81, 82 (1908); Yoder v. Commonwealth, 107 Va. 823, 828-29, 57 S.E. 581, 585 (1907); Carter v. Commonwealth, 96 Va. 791, 807-08, 32 S.E. 780, 782 (1899); Wells v. Commonwealth, 62 Va. (21 Gratt.) 500, 503 (1871); Wilson v. Commonwealth, 23 Va.App. 318, 322, 477 S.E.2d 7, 8-9 (1996). Upon a finding of contempt, a trial judge has discretionary power to enforce decrees of the court. Code § 18.2-456.")

It is a DUTY for his Court to enforce its own orders and decrees once the Court and the Commonwealth Attorney who represents the Plaintiffs is given proof of the Commonwealth's own contempt of court including non-compliance of the court orders including any evidence proving non-compliance.

Defendant had proven this. Scott Albrecht colluded with Glen Andrew Hall because he loses criminal defendants' cases and then he is rewarded by being hired as an Assistant Commonwealth's Attorney. See **Element 4**. If he is not a good trial attorney when faced with Glen Andrew Hall as opposing counsel at trial, then why was he hired as an Assistant Commonwealth's Attorney??? It appears to me that there was collusion. Collusion would mean the issues where the court orders will

never be compelled to be enforced by Scott Albrecht. The only person who can push for this is the Defendant himself on a pro se basis.

Defendant has no legal counsel at this time to prevent him from seeking justice against Glen Andrew Hall the contemnor; Defendant is not getting blocked by his own supposed defense attorney from asking this Court to enforce its own orders as required by law and the U.S. Constitution's equal protections of the law. His court appointed counsel cannot stop him from doing the right thing. His court appointed counsel at one time was Scott Albrecht who is now the Assistant Commonwealth's Attorney in conflict of interest. The Defendant's hands are no longer tied here.

If arguably this Court does not reconsider denying the Defendant's motion and does nothing about the contemnor Glen Andrew Hall, then this sets a new dangerous precedent in contradiction with authorities of the U.S. Supreme Court, Supreme Court of Virginia and Court of Appeals of Virginia, and binding case law precedent nationwide. This opens the door for law to be openly violated by not just Glen Andrew Hall, Esquire, but any attorney of the Commonwealth of Virginia can ignore court orders, and refuse to comply with court orders.

I remind the Honorable Judge Greer that: Olmstead v. United States, 277

U.S. 438, 485 (1928) ("Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto

himself; it invites anarchy."). This Court needs to enforce its court orders when evidence proves non-compliance with multiple court orders, or it is inviting anarchy and vigilantism. It invites every man to become a law unto himself. The law no longer holds water in a cup if the cup is broken and is not fixed. The judicial machinery is broken down.

This also allows egregious violations of law and court orders. Glen Andrew Hall knows that Defendant is on federal supervised release by the U.S. probation office. That means the destruction of evidence doesn't just violate the court orders, it also violates federal law. It is obstruction of justice under U.S. federal law. See 18 U.S.C. § 1519 ("Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both."). The United States Probation Office is a law enforcement agency of the United States District Court. Glen Andrew Hall had also obstructed justice under 18 U.S.C. § 1519. Defendant wants all cards on the table now. Time for the mind games in the legal system to end. Defendant had proven fraud on the court, non-compliance with court orders, unlawful deletion of evidence, and had

proven collusion between Scott Albrecht and Glen Andrew Hall by Scott Albrecht joining the prosecuting attorney team after losing Brian's case in General District Court, and after evidence was permanently deleted.

Defendant will appeal every wrongful decision by this Honorable Court to ensure that every order is done the right way. This is a Court of Law, not a Court of Man.

Arguably, Glen Andrew Hall is being allowed to openly and freely destroy any tangible object and any evidence he solely wishes. Arguably, he can destroy a police report. Arguably, he can shred reports from police or anybody, and he can shred court orders. He can do whatever he wants if this Court takes no action on the court orders which had been not complied with.

The consequences which will be set if this Honorable Court does not reconsider its decision denying the Defendant's motion:

- Glen Andrew Hall the Commonwealth Attorney will be allowed to deceive the judges, deceive the defendant and deceive the defendant's attorney throughout the entire criminal prosecution of a case;
- 2. Glen Andrew Hall the Commonwealth Attorney will be allowed to destroy evidence at any time even after the Court orders for discovery evidence to be turned over to the defendant's counsel as to any tangible evidence within that court order's scope;

- 3. Glen Andrew Hall the Commonwealth Attorney will be allowed to destroy evidence favorable to the Defendant then deceive the judges and jury to convict the Defendant or compel the Defendant to file a motion to withdraw appeal while deceiving the Defendant and the Court;
- 4. Glen Andrew Hall the Commonwealth Attorney will be allowed to not comply with any Court Order they wish, and no law will ever be enforceable on him/her. No Court Order has to be followed as long as it is an attorney of the Commonwealth. No law or court order means anything when it doesn't have to be followed. Anything the judge says in a court order will not work out because it doesn't have to be followed. It wastes a Court's time to even enter a court order since Glen Andrew Hall or any Commonwealth Attorney can choose to ignore the court order at his/her whim.

This sets very dangerous precedent and represents a lawless and broken judicial machinery. A lawless judicial machinery is Unconstitutional and violates every authority and case law as far as the Supreme Court of Virginia and U.S. Supreme Court. It becomes a lawless Court, not a court of law but a Court where you can choose not to follow a court order if you wish. The Fourteenth Amendment of the U.S. Constitution requires either that the law applies to everybody or applies

to nobody. Either Glen Andrew Hall has to comply with every court order or the Court should rule that the Defendant should not be required to follow court orders as well, just like the Commonwealth Attorney or it is not a fair process, it is not due process of law. If I follow the example of Glen Andrew Hall, I would be charged with contempt of court, but why??? He doesn't have to follow Court Orders, right??? The argument is simple, the law applies to everybody or it applies to nobody.

We are not under the British Crown; we are not a society of two classes such as the class of nobles and the class of non-nobles. Attorneys are not nobles, where the law doesn't apply to them but only non-nobility. That's partially what led to the American Revolution of 1776, "Give me Liberty or Give me Death" speech by Governor Patrick Henry at the Saint John's Church in Richmond, Virginia. What partially led to the American revolution was nobles being allowed to break laws and didn't have to comply with the very same laws as that of the citizens, the Crown allowed a two-tiered justice system. Taxation without representation is theft. The Circuit Court is not supposed to be a two-tiered justice system, under the Fourteenth Amendment. Court Orders have to be complied with by all parties to a case, that is the law, and that is the U.S. Constitution. See Olmstead v. United States, 277 U.S. 438, 485 (1928) ("Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are

commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example.").

Judge Greer, please understand that the law should apply to everybody.

For theoretical arguments sake, Will you let Glen Andrew Hall smoke illegal drugs in front of the Courthouse steps if he theoretically did so??? (Disclaimer: he is not but making an argument here).

For theoretical arguments sake, Will you let Glen Andrew Hall illegally gamble in the Municipal Building if he theoretically did so??? (Disclaimer: he is not but making an argument here).

For theoretical arguments sake, Will you let Glen Andrew Hall start an office fire to destroy records and evidence if he theoretically did so??? (Disclaimer: he is not but making an argument here).

I can ask this Court all day along an example of theoretical crimes Glen

Andrew Hall could be allowed to commit and he can act as though court orders are

funny paper or monopoly money. It no longer becomes a court of law if the law

doesn't even have to be followed. It is a contradiction onto itself.

Judge Greer must reconsider This Honorable Court's decision denying the Defendant's motion and take some kind of action, any at all to protect the judicial machinery from breaking down. It is broken right now until it can be fixed.

For the sake of brevity, Defendant will not reiterate all of the text from every other element regarding the evidence and arguments referenced and cited from all other elements. Defendant hereby incorporates by reference, as if fully set forth herein, all of the <u>Element 1</u>, <u>Element 2</u>, <u>Element 3</u>, <u>Element 4</u>, and <u>Element 5</u> evidence, arguments, and citations.

Element 6 has been satisfied.

#### **LEGAL ARGUMENTS**

It is clear as matter of law that all six Elements in the ADDITIONAL STATEMENT OF THE FACTS warrant reconsideration of the Motion being denied because of the issue that there does exist a severe case of fraud upon the Court and deception, by the Plaintiffs and with the collusion of or of inaction by any of the defense attorneys including Scott Albrecht who is now the Assistant Commonwealth's Attorney, allowing the frauds and non-compliance issues and evidence destruction to have taken place. Relief is clearly warranted here and so this Honorable Court should vacate its decision denying the Defendant's Motion or reconsider its decision denying the Defendant's Motion. That is because the

requested relief is well founded as both a matter of fact and as a matter of law under the statutory remedies set by Virginia Code § 8.01-428(D), Virginia Code § 8.01-428(A) and Virginia Code § 8.01-428(B).

This Court has a duty to conduct an inquiry as to the issues of Attorney Scott Albrecht being an Assistant to Glen Andrew Hall, which is a conflict of interest in this criminal case. Albrecht should recuse himself from any participation in the foregoing criminal case. Even if Albrecht doesn't have the case files of who he formerly had as a client, he had the knowledge of what he had discussed with his client. It is a conflict of interest for a reason. We have conflict checks for a reason. It is an unusual situation for the Public Defender in a criminal case representing a client to then he hired as the prosecutor over that very same case. Ethics requires inquiry from this Honorable Court.

Also, the destruction of evidence of the body-camera footage was not accidental but was deliberate and here is why.

In the answers to Defendant's FOIA request, Police Chief Rob Fincher admitted that it was policy that there is a retention period for evidence before it was destroyed unless litigation had begun either a civil case or criminal case involving the incident which involved the usage of the evidence which would be the bodycamera footage. Police Chief Rob Fincher admitted the evidence exists in regard to the Defendant's arrest, and admitted that it was not marked as evidence therefore

was deleted as routine body-camera footage by the server which held the bodycamera and car-camera footage. See RECONSIDERATION EXHIBIT PAGE 1-4 OF 48, EXHIBIT 1. The first safety valve to prevent spoliation of that evidence was Officer Robert Jones the charging officer or Martinsville Police Department itself. That safety valve had failed. The second safety valve to prevent spoliation of that evidence was Commonwealth's Attorney Glen Andrew Hall who had prosecuted the criminal charge. That safety valve had failed. The third safety valve to prevent spoliation of that evidence was Attorney Scott Albrecht who could have easily informed the Court that its court order was not being complied with. Albrecht could have asked to compel enforcement of its discovery order. Attorney Scott Albrecht could have filed a litigation hold letter asking for preservation of evidence or even could have filed a subpoena or ask the Court to issue a subpoena (subpoena duces tecum). That safety valve had failed. The fourth and last safety valve was the pro se letters between Brian D. Hill and former Police Chief G. E. Cassady to try to obtain a copy of; or preserve evidence. That safety valve had failed since the former Police Chief had ignored all of the Defendant's letters. All safety valves to prevent spoliation of material evidence had failed. This is clearly no error or mistake. This was deliberate.

That evidence was material because it was body-camera footage recorded around the time of Defendant's arrest and prior to his arrest. Multiple courts had ordered this footage because it was within the scope of those court orders.

This exculpatory evidence would have proven Defendant was intoxicated since the hospital record had already proven tachycardia two different times before the Defendant was erroneously released from the hospital. The Commonwealth Attorney can never disprove Defendant's claim of intoxication since the hospital deleted the ordered lab tests from Defendant's medical chart after drawing blood. So, drawing such reasonable inference is not out of the question.

Also, then there was the issue that Attorney Scott Albrecht who was the Defendant's counsel had remained as counsel until months after the destruction of the body-camera footage. Then years later he joins the Commonwealth Attorney to work for the very same prosecutor Glen Andrew Hall who he was supposed to defend his client against in a court of law. His court appointed counsel was solely responsible for not fighting to preserve the body-camera footage already within the scope of two court orders. If the Defendant had filed anything pro se it is usually ignored by the Circuit Court because the Court would ignore every pro se filing except only what his attorney files. The Defendant has the right to fight the fraud on the court even though the Court could argue that only his attorney could fight such fraud, but that makes no sense when the attorney colluded with the

Commonwealth's Attorney Glen Andrew Hall to destroy body-camera footage. The end result is Scott Albrecht is hired by Glen Andrew Hall as Assistant Commonwealth's Attorney. He got rewarded for all of the clients he screwed over and had them lose their trials. This is really bad fraud, severe fraud, that under the circumstances it is extrinsic fraud because of the circumstances. If Defendant filed any claim at all or any evidence, it would be ignored unless the Court accepted him proceeding pro se. Defendant was deceived because he didn't know about the court orders until after he was convicted. It all gives reasonable inferences to the fact that he had faced a rigged trial and was going to face a rigged jury trial. Evidence was destroyed, the destroyed evidence which would have had him acquitted. The ordered lab tests would have shown intoxication at the time Defendant was naked outdoors. The body-camera footage would have shown indication of intoxication. Evidence which would have caused the Defendant to have been found not guilty was all deleted and destroyed. That is fraud, that is deception, that is a rigged judicial process. A Court Trial is rigged when only one side presents evidence against you but destroys evidence which may create a different verdict when there were only two verdicts, guilty and not guilty, a conviction or acquittal.

Without an inquiry from this Court there are conflicts of interest issues not being resolved here. Without an inquiry from this Court due process of law had been permanently deprived here for the Defendant in this criminal case.

Also, no court of law can ignore evidence if it is admissible under the Rules of Evidence, as ignoring admissible evidence is a deprivation of due process of law.

Broam v. Bogan, 320 F.3d 1023, 1032 (9th Cir. 2003) ("An officer is not entitled to a qualified immunity defense, however, where exculpatory evidence is ignored that would negate a finding of probable cause. Kuehl v. Burtis, 173 F.3d 646, 651 (8th Cir. 1999)."). Bell v. U.S., 521 F. Supp. 2d 462, 464 (D. Md. 2007) ("An order is void under Rule 60(b)(4) "only if the court rendering the decision lacks personal or subject matter jurisdiction or acted in a manner inconsistent with due process of law." Wendt, 431 F.3d at 412; see also Eberhardt v. Integrated Design Constr., Inc., 167 F.3d 861, 871 (4th Cir. 1999). Courts narrowly construe the concept of a "void" order because it threatens the finality of judgments. Wendt, 431 F.3d at 413. "Only in the rare instance of a clear usurpation of power will a judgment be rendered void." In re Bulldog Trucking, Inc., 147 F.3d 347, 352 (4th Cir. 1998) (quoting Lubben v. Selective Serv. Sys. Local Bd. No. 27, 453 F.2d 645, 649 (1st Cir. 1972)).")

#### **EXHIBITS LIST**

EXHIBITS #	EXHIBIT PAGES #	DESCRIPTION
EXHIBIT 1	1-4	Printout of email to Roberta Hill at
		rbhill67@comcast.net, From: Kendall
		Davis kdavis@ci.martinsville.va.us;
		Date: 2/13/2023, 3:01 PM; Subject:

		Re: Status of FOIA Request of Brian David Hill?
EXHIBIT 2	5-8	Digital Copy of Letter from Kendall Davis, Public Information Officer, City of Martinsville, Dated: February 10, 2023
EXHIBIT 3	9-13	Printout of email to Roberta Hill at rbhill67@comcast.net, From: ROBERTA HILL rbhill67@comcast.net; Date: 2/13/2023, 3:37 PM; Subject: Fwd: Status of FOIA Request of Brian David Hill?; To: "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us> CC: Martinsville City Commonwealth's A□orney <ahall@ci.martinsville.va.us>, "stanleybolten@justiceforuswgo.nl" <stanleybolten@justiceforuswgo.nl" <stanleybolten@justiceforuswgo.nl="">, "kenstella2005@comcast.net" <kenstella2005@comcast.net>, Ken &amp; Stella Forinash <kenstella@comcast.net>, "Hon. Giles Carter Greer (Judge)" <cgreer@ci.martinsville.va.us></cgreer@ci.martinsville.va.us></kenstella@comcast.net></kenstella2005@comcast.net></stanleybolten@justiceforuswgo.nl"></ahall@ci.martinsville.va.us></jnunn@ci.martinsville.va.us>
EXHIBIT 4	14-28	STATUS LETTER TO HONORABLE GILES CARTER GREER (JUDGE); CLERK OF MARTINSVILLE CIRCUIT COURT, Date: Tuesday, February 14, 2023
EXHIBIT 5	29-42	DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF

		CRIMINAL CHARGE PURSUANT
		TO VIRGINIA CODE § 8.01-428(D),
		VIRGINIA CODE § 8.01-428(A)
		AND VIRGINIA CODE § 8.01-
		428(B) ON THE BASIS OF FRAUD
		UPON THE COURT, CLERICAL
		FACTUAL ERRORS; "Respectfully
		filed/submitted with the Court, This
		the 13th day of February, 2023."
EXHIBIT 6	43-46	SHORT SUMMARY OF WHAT
		WAS PROVEN AS TO FRAUD ON
		THE COURT Prepared by Stella
		Forinash, edited and modified by
		Brian David Hill Case no.
		CR19000009-00, For Martinsville
		Circuit Court; Date: February 14,
		2023
EXHIBIT 7	47-48	Printout of Email record originally
		held by Attorney Scott Albrecht,
		Email involving Jeanie Nunn, Nancy
		Sherman, Scott Albrecht, Andy Hall,
		and Judge Greer. Printout from case
		files given to Defendant from
		Attorney Matthew Scott Thomas
		Clark.

48 pages total, ATTACHMENT EVIDENCE EXHIBIT INDEX PAGES

# REQUEST FOR COURT TO PROVIDE EQUITABLE RELIEF AND ANY OTHER RELIEF

Therefore, the Defendant prays that this Honorable Court order the following:

 That the Circuit Court vacate or set aside its February 14th 2023 Order denying the Defendant's "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO

- VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS";
- 2. That the Circuit Court reconsider its February 14th 2023 Order denying the Defendant's "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS";
- 3. That the Circuit Court investigate, then declare or make a factual finding that the Plaintiffs had defrauded the Court (made such a Fraud Upon the Court) based on three fraudulent or erroneous elements (medically cleared, intent, obscenity) of the criminal charge on September 21, 2018 which means that the Circuit Court can make a determination whether one to three elements in the original criminal prosecution are to be considered meritless, frivolous, baseless, and without clear and convincing evidence to support that even in light most favorable to the Commonwealth, the evidence is insufficient to sustain a conviction;
- 4. That the Circuit Court consider ordering based upon Section 8.01-428(D) and Section 8.01-428(B) that the Judgment on November 18, 2019 be vacated, or

- voided, or made void, or set aside or be adjudged as acquitted with case dismissal with prejudice;
- 5. That the Circuit Court consider the evidence submitted by Defendant in support of this motion to be sufficient for the relief requested in this motion, or order an evidentiary hearing to question Robert Jones over the matter of Defendant not being medically and psychologically cleared as previous assumed because of being neglected by being prematurely released from the hospital;
- 6. That the Circuit Court consider the evidence submitted by Defendant in support of this motion to be sufficient for the relief requested in this motion, or order an evidentiary hearing to question Robert Jones over the matter of Defendant not being obscene as charged by the officer in the ARREST WARRANT;
- 7. That the Circuit Court consider vacatur, voiding, making void, setting aside, nullification of, or modification of the wrongful conviction dated November 18, 2019 (**EXHIBIT PAGE 2-4 OF 337**), and consider acquittal and dismissal of the entire criminal action case with prejudice;
- 8. That the Circuit Court waive and discharge any and all pending legal fees ever taxed, levied, or ordered against Defendant if the Circuit Court had determined that Defendant was fraudulently and/or erroneously prosecuted against and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent:

- 9. That the Circuit Court waive and discharge any and all pending legal fees ever owed by the Defendant pursuant to all legal matters and cases that had begun from the original charge and prosecution on September 21, 2018, if the Circuit Court had determined that Defendant is innocent because of the fraudulent elements by the Plaintiffs or erroneous elements by the Plaintiffs and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
- 10. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This the 17th day of February, 2023.

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of O

310 Forest Street, Apartment 2 Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> (due to Probation Conditions of not being allowed to use the Internet) to have delivered this (1) pleading, (2) along with pleading filename: RECONSIDERATION-EXHIBITS-2-16-2023.pdf on the 17th day of February, 2023, to the following parties:

- 1. Commonwealth of Virginia
- 2. City of Martinsville

Again, by having representative Roberta Hill filing this (1) pleading, (2) along with pleading filename: RECONSIDERATION-EXHIBITS-2-16-2023.pdf on his behalf with the Court, through email address <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a>, transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq.
Commonwealth Attorney's Office for the City of Martinsville
55 West Church Street
P.O. Box 1311
Martinsville, Virginia 24114/24112
Attorney for the Commonwealth

Phone: (276) 403-5470 Fax: (276) 403-5478

Email: ahall@ci.martinsville.va.us

Hon. Jeanie P. Nunn, Clerk of the

Court

Circuit Court for the City of

Martinsville

Phone: 276-403-5106 Fax: 276-403-5232

55 West Church Street, Room 205

P.O. Box 1206

Martinsville, VA 24114

Email: jnunn@ci.martinsville.va.us

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage

without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c/o Roberta Hill at <a href="mailto:rebhill67@comcast.net">rephill67@comcast.net</a> and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.





Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

# **EXHIBIT 1**

attached to: Motion to Reconsider the Order denying "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



**Subject:** Re: Status of FOIA Request of Brian David Hill? **From:** Kendall Davis <kdavis@ci.martinsville.va.us>

Date: 2/13/2023, 3:01 PM

To: ROBERTA HILL <rbhill67@comcast.net>

My apologies, I attached the wrong document. I had used Eric Monday's previous letter as a reference to format my response to your request, and accidentally uploaded the wrong file.

Here is the correct document, you should be receiving it in the mail this week.

Please be assured that the previous email was not the response to your FOIA request.

#### **Kendall Davis**

Public Information Officer (0)276-403-5379 (M)276-734-0164 kdavis@ci.martinsville.va.us



From: ROBERTA HILL <rbhill67@comcast.net>
Sent: Friday, February 10, 2023 4:48 PM

To: Kendall Davis <kdavis@ci.martinsville.va.us>

Cc: foiacouncil@dls.virginia.gov <foiacouncil@dls.virginia.gov>; stanleybolten@justiceforuswgo.nl

<stanleybolten@justiceforuswgo.nl>; Lin Wood <lwood@linwoodlaw.com>

Subject: Re: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My son Brian Hill plans to file a suit in General District Court next week. As courtesy, I am emailing you evidence attachment that Attorney Eric Monday had his contract with the City of Martinsville terminated in December, 2022.

I am emailing proof that Attorney Eric Monday was no longer the attorney effective January 2, 2023. You should know that, yet you are sending an old 2019 letter as if it is a current response, an old 2019th response from an attorney who was terminated for service for the City of Martinsville on January 2nd before my son's FOIA request was even filed on January 20, 2023. This sounds like fraud to me or misrepresentation to file an old letter as a response to a more recent FOIA request. I don't even think you read over the whole thing.

<u>See attachment file: article\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html.pdf: Council terminates City Attorney's contract. See https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html</u>

### Re: Status of FOIA Request of Brian David Hill? RECONSIDERATION EXHIBIT PAGE 3 OF 48

Also My son and I reviewed over the letter but that response was not to the current FOIA request but to a FOIA request made in 2019 over an entirely different thing. Brian isn't just any member of the public, his lawyer had court orders for the body-camera footage and yet the Police have repeatedly refused to comply with those court orders. Your all breaking the law to protect those who illegally destroyed evidence which would have proven my son innocent of indecent exposure.

This is not a current response which you had sent digitally but a response from 2019 over an entirely different FOIA request in 2019 over a search warrant. My son was able to get that document from the Clerk, but the records are concerning police body-camera footage and it's unlawful destruction. Brian needs that record to prove in a court of law when the body-camera footage was illegally destroyed in his criminal case to prove FRAUD ON THE COURT. At this point the whole criminal case is a fraud anyways, and your all protecting lies and fraud over what??? My son had medical issues in 2018 and the police treated his medical issues and autism as a crime.

My son will go ahead and file a lawsuit over not a current response but are filing a 2019 response over an entirely different matter. My son says he plans to sue over this improper response which isn't even dated in the current year of 2023. Using a Eric Monday letter from 2019. Search warrants are different than records over body-camera footage. The courts have asked for the body-camera footage in three seperate orders and the corrupt former police chief G. E. Cassady kept stonewalling every request in violation of court orders. Your part of the cover up now, and this is documented for a court of law. You are complicit in the cover up of evidence destroying body-camera footage which multiple courts had asked for.

On 02/10/2023 1:51 PM Kendall Davis <kdavis@ci.martinsville.va.us> wrote:

I was able to get a response to his request this afternoon. Here is a digital response, I'll send one via mail on Monday morning.

#### **Kendall Davis**

Public Information Officer (0)276-403-5379 (M)276-734-0164 kdavis@ci.martinsville.va.us



From: ROBERTA HILL <rbill67@comcast.net>
Sent: Friday, February 10, 2023 1:19 PM

To: Kendall Davis <kdavis@ci.martinsville.va.us>

Subject: Fwd: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

# Re: Status of FOIA Request of Brian David Hill? RECONSIDERATION EXHIBIT PAGE 4 OF 48

Original Message From: ROBERTA HILL <rbhill67@comcast.net> To: "mstrait@ci.martinsville.va.us" <mstrait@ci.martinsville.va.us> Date: 02/10/2023 12:47 PM Subject: Status of FOIA Request of Brian David Hill?</mstrait@ci.martinsville.va.us></rbhill67@comcast.net>
City Attorney of Martinsville, Virginia,
What is the status and case number of my son's FOIA Request dated January 20, 2023?
Brian faxed the FOIA request on January 20, 2023 but does not know if it has yet been assigned a case number yet.
They are attached.  1. Status Letter to City of Martinsville and Police on FOIA - February 10, 2023(1).pdf: Brian's letter asking for status on his earlier filed FOIA request;  2. Letter to City of Martinsville and Police on FOIA - January 20, 2023(2).pdf: Brian's original FOIA request letter  3. {2023-01-20} [2].pdf: Transmission tickets proving receipt of FOIA request letter.
Thanks, Roberta Hill
 - Attachments:
Brian Hill FOIA Request.pdf 149 KB

# **EXHIBIT 2**

attached to: Motion to Reconsider the Order denying "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



#### **RECONSIDERATION EXHIBIT PAGE 6 OF 48**



February 10, 2023

Brian David Hill 310 Forest Street, Apt. 1 Martinsville, VA 24112

Dear Mr. Hill,

Please see the following information in regards to your FOIA request. These answers were provided by Police Chief Rob Fincher.

#1

The Martinsville Police Department utilizes a server-based video system created by COBAN Tech Corporation which is now owned by Safe Fleet Inc. This system has a programed Digital Video Management System or DVMS. The DVMS follows a retention system for those videos that have not been marked as evidence by the Commonwealth's Attorney's Office. If the Commonwealth's Attorney's Office designates a video as evidence it is retained indefinitely. All other videos are subject to the DVMS retention schedule. The DVMS begins cleanup when a video is within the minimum and maximum hold period for its event classification and when the disk usage is more than 80% and have not been accessed in 150 days. DVMS cleanup refers to changing the file allocation address of that data file to allow for other data to be stored in place of that file. This is like all computer systems in that if you tell the computer to delete an item, it is not actually deleted but designated to be overwritten. The event type retention schedule for the DVMS is as follows;

Event Type	Minimum Days	Maximum Days
Assist other Agency	183	200
Assist other Officer	183	200
Vehicle Crash	183	200
Alarm – Business/Residential	120	150
Body Camera default	183	200
Criminal Apprehension	365	400
CIT – ECO – TDO	183	200

#### **RECONSIDERATION EXHIBIT PAGE 7 OF 48**

Disorderly Person / Group	183	200
Domestic	365	400
DUI-DUID	365	400
Funeral Escort	30	31
General Assistance	180	200
General Traffic Stop	365	400
Interview Rooms	365	366
Pursuit	365	400
Redlight/Stop Sign	200	201
Suspect Interview	365	400
Speeding	183	200
Training	200	300
Victim Interview	183	200
Video Training	10	11
Witness Interview	183	200

#### #2

If a court receives an item as evidence or potential evidence, then the court retains those items in their evidence storage. A court can issue a preservation order in certain circumstances for a limited time with certain data evidence. I have not heard of one ever being used for video data. It is mostly used for cellphone and telephone data. If litigation is filed within a court then the status of a video regarding that case would then be changed to "evidence" and then retained indefinitely. Notice of that litigation would have to be served on the department within the retention period followed. If a suit is filed after the evidence has been destroyed there is no way to "un-destroy" an item.

#3

In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

Sincerely

Kendall Davis

#### RECONSIDERATION EXHIBIT PAGE 8 OF 48

Public Information Officer

City of Martinsville

# **EXHIBIT 3**

attached to: Motion to Reconsider the Order denying "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



### Fwd: Status of FOIA Request of Brian David Hill? RECONSIDERATION EXHIBIT PAGE 10 OF 48

Subject: Fwd: Status of FOIA Request of Brian David Hill?

From: ROBERTA HILL <rbhill67@comcast.net>

Date: 2/13/2023, 3:37 PM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" < jnunn@ci.martinsville.va.us> **CC:** Martinsville City Commonwealth's Attorney < ahall@ci.martinsville.va.us>, "stanleybolten@justiceforuswgo.nl" < StanleyBolten@justiceforuswgo.nl>,

"kenstella2005@comcast.net" < kenstella2005@comcast.net >, Ken & Stella Forinash

<kenstella@comcast.net>, "Hon. Giles Carter Greer (Judge)" <cgreer@ci.martinsville.va.us>

(case no. CR19000009-00) Forward email of response to Brian David Hill's FOIA Request.

My son may write a short formal pleading about the new evidence surfaced from Kendall Davis at a later time. If he does, I will email you that. It does prove cover up of body-camera footage.

Thanks, Roberta Hill

on behalf of Defendant (since he cannot use the internet):

Brian David Hill
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
----- Forwarded Message ------

Subject: Re: Status of FOIA Request of Brian David Hill?

Date:Mon, 13 Feb 2023 20:01:11 +0000

**From:**Kendall Davis <a href="mailto:kdavis@ci.martinsville.va.us">kdavis@ci.martinsville.va.us</a> **To:**ROBERTA HILL <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a>

My apologies, I attached the wrong document. I had used Eric Monday's previous letter as a reference to format my response to your request, and accidentally uploaded the wrong file.

Here is the correct document, you should be receiving it in the mail this week.

Please be assured that the previous email was not the response to your FOIA request.

### **Kendall Davis**

Public Information Officer (0)276-403-5379 (M)276-734-0164 kdavis@ci.martinsville.va.us

### Fwd: Status of FOIA Request of Brian David Hill? RECONSIDERATION EXHIBIT PAGE 11 OF 48



From: ROBERTA HILL <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a>
Sent: Friday, February 10, 2023 4:48 PM
To: Kendall Davis <a href="mailto:kdavis@ci.martinsville.va.us">kdavis@ci.martinsville.va.us</a>

**Cc:** <u>foiacouncil@dls.virginia.gov</u> <u><foiacouncil@dls.virginia.gov</u>; <u>stanleybolten@justiceforuswgo.nl</u>

<stanleybolten@justiceforuswgo.nl>; Lin Wood <lwood@linwoodlaw.com>

Subject: Re: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My son Brian Hill plans to file a suit in General District Court next week. As courtesy, I am emailing you evidence attachment that Attorney Eric Monday had his contract with the City of Martinsville terminated in December, 2022.

I am emailing proof that Attorney Eric Monday was no longer the attorney effective January 2, 2023. You should know that, yet you are sending an old 2019 letter as if it is a current response, an old 2019th response from an attorney who was terminated for service for the City of Martinsville on January 2nd before my son's FOIA request was even filed on January 20, 2023. This sounds like fraud to me or misrepresentation to file an old letter as a response to a more recent FOIA request. I don't even think you read over the whole thing.

<u>See attachment file: article\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html.pdf: Council terminates City Attorney's contract. See https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html</u>

Also My son and I reviewed over the letter but that response was not to the current FOIA request but to a FOIA request made in 2019 over an entirely different thing. Brian isn't just any member of the public, his lawyer had court orders for the body-camera footage and yet the Police have repeatedly refused to comply with those court orders. Your all breaking the law to protect those who illegally destroyed evidence which would have proven my son innocent of indecent exposure.

This is not a current response which you had sent digitally but a response from 2019 over an entirely different FOIA request in 2019 over a search warrant. My son was able to get that document from the Clerk, but the records are concerning police body-camera footage and it's unlawful destruction. Brian needs that record to prove in a court of law when the body-camera footage was illegally destroyed in his criminal case to prove FRAUD ON THE COURT. At this point the whole criminal case is a fraud anyways, and your all protecting lies and fraud over what??? My son had medical issues in 2018 and the police treated his medical issues and autism as a crime.

My son will go ahead and file a lawsuit over not a current response but are filing a 2019 response over an entirely different matter. My son says he plans to sue over this improper response which isn't even dated in the current year of 2023. Using a Eric Monday letter from 2019. Search warrants are different than records over body-camera footage. The courts have asked for the body-camera footage in three seperate orders and the corrupt former police chief G. E. Cassady kept stonewalling every request in violation of court orders. Your part of the cover up now,

and this is documented for a court of law. You are complicit in the cover up of evidence destroying body-camera footage which multiple courts had asked for.

On 02/10/2023 1:51 PM Kendall Davis <kdavis@ci.martinsville.va.us> wrote:

I was able to get a response to his request this afternoon. Here is a digital response, I'll send one via mail on Monday morning.

#### **Kendall Davis**

**Public Information Officer** 

(O)276-403-5379

(M)276-734-0164

kdavis@ci.martinsville.va.us



From: ROBERTA HILL <a href="mailto:critical-right">critical-right</a> Sent: Friday, February 10, 2023 1:19 PM

To: Kendall Davis <a href="mailto:kdavis@ci.martinsville.va.us">kdavis@ci.martinsville.va.us</a>

Subject: Fwd: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Original Message -----

From: ROBERTA HILL <rbhill67@comcast.net>

To: "mstrait@ci.martinsville.va.us" <mstrait@ci.martinsville.va.us>

Date: 02/10/2023 12:47 PM

Subject: Status of FOIA Request of Brian David Hill?

City Attorney of Martinsville, Virginia,

What is the status and case number of my son's FOIA Request dated January 20, 2023?

Brian faxed the FOIA request on January 20, 2023 but does not know if it has yet been assigned a case number yet.

They are attached.

# Fwd: Status of FOIA Request of Brian David Hill? RECONSIDERATION EXHIBIT PAGE 13 OF 48

- 1. Status Letter to City of Martinsville and Police on FOIA February 10, 2023(1).pdf: Brian's letter asking for status on his earlier filed FOIA request;
- 2. Letter to City of Martinsville and Police on FOIA January 20, 2023(2).pdf: Brian's original FOIA request letter
- 3. {2023-01-20} [2].pdf: Transmission tickets proving receipt of FOIA request letter.

Thanks, Roberta Hill

Brian Hill FOIA Request.pdf

—Attachments:—			
Attaciiiieiits.			

149 KB

# **EXHIBIT 4**

attached to: Motion to Reconsider the Order denying "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



# STATUS LETTER TO HONORABLE GILES CARTER GREER (JUDGE); CLERK OF MARTINSVILLE CIRCUIT COURT

Tuesday, February 14, 2023

ATTN: Hon. Giles Carter Greer

Presiding Judge

Martinsville Circuit Court

55 W. Church Street

Martinsville, VA 24114-1206

Phone: (276) 403-5106 Fax: (276) 403-5232

Email: cgreer@ci.martinsville.va.us

ATTN: Hon. Jean P. Nunn

Clerk of the Court

Martinsville Circuit Court

55 W. Church Street

Martinsville, VA 24114-1206

Phone: (276) 403-5106 Fax: (276) 403-5232

Email: jnunn@ci.martinsville.va.us

CC: Glen Andrew Hall, Esq. At <u>ahall@ci.martinsville.va.us</u> (City of Martinsville, Commonwealth of Virginia, Commonwealth's Attorney);

Hon. Giles Carter Greer (Judge) and Hon. Jeanie P. Nunn (Clerk),

I apologize for the amount of filings I been asking Roberta Hill to send to the Circuit Court electronically to file for me, but evidence is evidence, there is a lot of prima facie evidence to satisfy my burden of proof for proving fraud on the court which is believed to have been perpetuated on this Court's judicial machinery by Glen Andrew Hall, and I now have my final response to my FOIA Request since February 13, 2023. I will not need to file any FOIA lawsuit and have no need to ask any more FOIA questions at this time. I received the answers I need from a credible person from Martinsville Police Department, the Police Chief, and the evidence proves **Element 2** within the **Statement of the Facts** in support of my Motion on January 26, 2023.

The Clerk should also be in receipt of a pdf file named: **Brian Hill FOIA Request.pdf**, attached to an email from Kendall Davis, Public Information
Officer, City of Martinsville, <u>kdavis@ci.martinsville.va.us</u>, (O)276-403-5379,
(M)276-734-0164. This Court can contact him at any time or even the Police
Chief for any further inquiry from this Honorable Circuit Court. Roberta

Hill forwarded that exact email with the attachment. Hopefully the Clerk is well in receipt of this pdf file and filed it in the record of the Circuit Court/Trial Court. Before I go any further in this letter.

At this point I have no more of a need to make any more filings until the Circuit Court makes a decision or orders me to appear before an Evidentiary Hearing or Inquiry Hearing or any hearing over the matters on my Motion for relief from judgment or setting aside judgment; the Motion which was filed on January 26, 2023.

I am sure you have already been emailed by Roberta Hill about a 3-page response to my FOIA Request dated January 20, 2023. The same FOIA Request letter filed as **Exhibit 12** in support of my Motion. See **EXHIBIT PAGE 202-209 OF 337**, **EXHIBIT 12**, URGENT LETTER TO

MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE

- FOIA REQUEST and Fax Transmission Tickets).

I have reviewed over the response letter and have taken the time to review over it. I asked Roberta Hill to forward the emails to both the Clerk and to yourself your Honor, the Honorable Judge Greer. I wanted to make sure you have the source email and the answer document. That is the answer by the current Police Chief of the Martinsville Police Department.

This answer document from the Chief of Police Rob Fincher proves that the Commonwealth Attorney Glen Andrew Hall and Attorney Scott Albrecht are both AT FAULT for unlawful destruction of the body-camera footage recorded by Officer Robert Jones of Martinsville Police Department, recorded on September 21, 2018.

The Police Chief said from what it sounded like in his response that they were supposed to be served with the legal documents of the lawsuit or be made aware of the lawsuit civil litigation or criminal litigation and that the body-camera footage is tied to that litigation as "evidence", and was supposed to be marked as evidence so that it would not be deleted/spoliated indefinitely. It sounds to me like even though Robert Jones had filed the CRIMINAL COMPLAINT and ARREST WARRANT on September 21, 2018,

the Commonwealth Attorney did not designate the body-camera footage as evidence and there was no push to preserve tat evidence either, despite the Court Orders which the body-camera is within the scope of those court orders. Two Court Orders were filed in the Martinsville judicial systems, before the deletion of the video file of the body-camera footage. It was not designated as evidence despite multiple letters being mailed to the former Police Chief G. E. Cassady. I am attaching what I found in my evidence box, I am attaching a photocopy of a "return receipt" and "certified mail receipt" and a photocopy of the typed letter mailed to Martinsville Police Department, to G. E. Cassady asking for the body-camera footage. See **EXHIBIT PAGE 240-242 OF 337, EXHIBIT 15**.

See attachment to this letter thereafter: **Photocopy of return receipt** and certified mail receipt.pdf: 6 pages (six pages) of evidence documentation. First 2 pages are photocopy of signed return receipt (front and back) and certified mail receipt. Next two pages is the typed letter, a true photocopy of the mailed letter, same as what was filed earlier in the Circuit Court record and in **EXHIBIT PAGE 240-242 OF 337**, **EXHIBIT 15**. Then the next page is the scanned photocopy of the envelope Stella and Kenneth Forinash had used for the mailing with that letter. The last page is my originally written letter from FCI-1 Butner, North Carolina to Police Chief G. E. Cassady, dated January 19, 2019, but it does say "For Jason McMurray". That printed photocopy must have been a photocopy where I hand written on that photocopy who it was for. So I had tried to mail a copy to USPO Jason McMurray. So he was aware of my letter to G. E. Cassady too, I assume.

Anyways if you review over the filed: "Brian Hill FOIA Request.pdf" dated February 10, 2023, and was filed with the Clerk yesterday, on February 13, 2023, also a copy was emailed to yourself, the Honorable Judge Greer. When you review over what was said, it does prove the substance of my filed: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".

I shall copy and paste some of what was said in that letter:

See Page 2 of 3 of response letter from Police Chief:

#3 In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

This proves that Glen Andrew Hall had violated or not complied with two court orders since the deletion of evidence was done after those orders, and that non-compliance or violation carried over to the third court order for discovery. Your Honor, you can check your two court orders dated February 6, 2019 and July 15, 2019. Then there is also the General District Court's order dated November 28, 2018. All of those orders were not complied with by Glen Andrew Hall, Esquire, Commonwealth's Attorney in this case.

Also once a criminal case is filed, the body-camera footage was supposed to be marked as evidence according to Police Chief Rob Fincher. It was not marked as evidence, the Commonwealth Attorney did not do this, Glen Andrew Hall didn't properly ask the Police Department to preserve the footage. He is at fault here along with G. E. Cassady.

I had proven to this Court and to you, your Honor, that I had mailed two letters to former Police Chief G. E. Cassady. Stella and Kenneth Forinash mailed a typed version asking for body-camera footage in March 13th/mailed on March 14, 2019. The signed return receipt attached to this letter proved receipt.

That letter and return receipt, the photocopy of that typed letter was the last mailing on March 14, 2019 sent to Martinsville Police Department or to Police Chief G. E. Cassady of Martinsville Police Department before the destruction of the body-camera footage on April 9, 2019. It was destroyed by deletion.

The body-camera footage should have never been deleted "by the DVMS system on 4/9/2019". April 9, 2019. The Commonwealth Attorney was fully made aware by the Court two different times for Orders for Discovery prior to the evidence being deleted which falls within the scope of what was defined in those court orders; which is unlawful spoliation of evidence, and on the third order dated July 15, 2019.

The Police Chief is a credible witness and whoever he asked to look through the records of Martinsville Police Department. This credible witness has responded with very credible information. Proving that the body-camera footage was deleted without being MARKED AS EVIDENCE, on April 9, 2019 while I was still in federal custody at the Federal Correctional Institution 1 in Butner, North Carolina.

This proves Element 2 of the Statement of the Facts within my filed Motion on January 26, 2023. This proves my claims beyond a reasonable doubt, prima facie evidence.

Since Element 2 has been satisfied, I ask you, your Honor, that you permit me to establish a Fact of an adverse inference meaning that I am permitted to establish a fact which I believe would have been proven with the spoliation of evidence purposefully by the Commonwealth's Attorney Glen Andrew Hall.

I shall cite the very adverse inference I would like the Circuit Court to adopt as a fact with the spoliation of the body-camera footage proven

through unlawful destruction of the material evidence within the scope of the Circuit Court order dated February 6, 2019 and July 15, 2019.

I shall copy and paste some of what was said in that letter: See Page 38-39 of 107 of MOTION filed January 26, 2023; Motion-Circuit-Court1-26-2023.pdf:

**Proffered adverse Inference:** Defendant asserts under adverse inference that the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform. The body-cam footage would have shown footage not favorable to the Martinsville Police Department in how they handled the situation of a person with medical issues including a neurological disability of autism spectrum disorder and Type 1 brittle diabetes. That is what the Defendant is proffering to this Court as a fact of an adverse inference. Defendant is entitled to an adverse inference when the Plaintiffs had not complied with three court orders for discovery evidence materials and had destroyed evidence subject to those three court orders.

If this Circuit Court does adopt my proffered fact through an adverse inference due to the unlawful destruction of evidence within the scope of the multiple court orders, then I ask that the Honorable Circuit Court go ahead and establish the fact in my Statement of the Facts that "the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform."

The Honorable Court now has prima facie evidence/proof of **Element 2** 

of the Statement of the Facts on the issue of fraud on the court by proving **Element 2**. See page 38-39 of 107 of MOTION filed January 26, 2023; Motion-Circuit-Court1-26-2023.pdf.

The response by the new Police Chief Rob Fincher shows that evidence was deleted/spoliation after a criminal case litigation, and that was not supposed to happen according to the Police Chief. The fault is within the Commonwealth Attorney Office and former Police Chief G. E. Cassady who was notified in writing three separate times. Two court orders, and the third court order after the destruction of the body-camera footage. The fault entirely would also include Scott Albrecht, Glen Andrew Hall, and former Police Chief G. E. Cassady. All three are at fault for the spoliation of evidence. I had proven that before this Court. Have I not proven this fact???

Stella Forinash prepared a Microsoft Word draft file in .docx format of what was originally called a diagram draft page of a short summary of different issues concerning fraud on the court, the different issues in the criminal case showing a shaky or fraudulent foundation of the very criminal charge. I have decided to entitle it a SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT; Prepared by Stella Forinash, edited and modified by Brian David Hill. This is a short summary, a few pages explaining in a nutshell the various issues of fraud which constituted a fraud upon the court by the Commonwealth's Attorney. It isn't just unlawful destruction of the body-camera footage, it wasn't just noncompliance with court orders. It is also about the police quickly charging Brian David Hill within a few hours or less on very shaky grounds without even a thorough investigation, and never verifying whether or not Brian David Hill was in fact medically and psychologically cleared when charged. All elements have been proven and satisfied to the satisfaction of this Honorable Circuit Court.

Brian David Hill = Innocence, because I am innocent, I can never be convicted of my charge on September 21, 2018, and should not be as it stands with the prima facie evidence and facts which had been laid out since MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA

CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS. I have satisfied the burden of proof.

If the Circuit court still is not convinced that I have satisfied the burden of proof necessary of my motion for relief being granted, this Court is free to order an evidentiary hearing or mail interrogatories to the witnesses, and ask the Police Chief about the evidence deletion in 2019. This Court should conduct an inquiry on all of the issues in the filed Motion.

Then there is new evidence about Scott Albrecht which this Court has a duty to conduct an inquiry to determine if a conflict of interest did exist or exists right now regarding Scott Albrecht working for the prosecution after representing the very same criminal defendant. At least he should recuse himself from any involvement with Brian Hill's cases from the prosecution side since this same attorney had represented Brian Hill prior to being hired by the Commonwealth's Attorney Glen Andrew Hall.

Thank you for your time and attention to this matter.

Where We Go One We Go All (WWG1WGA), Nothing Can Stop What Is Coming (NCSWIC).

Brian D. Hill

God bless you,

Brian D. Hill

Defendant

Ally of Q, Former news reporter of U.S.W.G.O. Alternative News

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276)790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



1586

(over \$500)

2. Article Number (Transfer from service label)

58

9309

TOOO

1830

7018 1830 0001 9309

PS Form 3811, July 2015 PSN 7530-02-000-9053

☐ Collect on Delivery

y Restricted Delivery icted Delivery

☐ Signature Confirmation™
☐ Signature Confirmation
Restricted Delivery

Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only For delivery information, visit our website at www.usps.com® 0362 Certified Mail Fee \$3.50 INSVIV13 \$2.80 Extra Services & Fees (check box, dd fee a approprate) Return Receipt (hardcopy) \$0.00 6/02 Here Return Receipt (electronic) \$0.00 Certified Mail Restricted Delivery \$0.00 1 HAM Adult Signature Required Adult Signature Restricted Delivery \$1.30 Postage Total Postage and Regs 60 Sent TO CASSADY - CHIGA OG POLICE Street and Apt. No., or PO BOX No. 55 WEST CHVRCH ST 40 MARTINS VILLE, VA 241/2

RECONSIDERATION EXHIBIT PAGE 24 OF 48

USPS TRACKING#

First-Class Mail Postage & Fees Paid USPS Permit No. G-10

9590 9402 3915 8060 4856 85

United States Postal Service

Sender: Please print your name, address, and ZIP+4° in this box°

NEN LSTELLA GORINASH

916 CHALMERS ST., APT A

MARTINSUILLE, VA 24112



January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Respects,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1 Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509 JusticeForUSWGO,wordpress.com USWGO

(Letter 1)

Copy of note mailed with letter dated January 19, 2019

Chief of Police and Commonwealth Attorney in Martinsville, VA,

Please acknowledge receipt of letters. Please write response.

Thank you

Brian D. Hill

God bless you!

Note: In a week of no response, I will assume that it was lost and mail another copy. Thanks.

Note from Brian's grandparents. Brian wrote this on January 19, 2019 and January, 20, 2019. He received no response, He sent it again and received no response a week later. After waiting almost two months, his grandparents will have to go to the post office and send this out return receipt requested. You also should know that Brian has been on disability since the age of 19 months; has brittle diabetes requiring insulin shots, has seizures, autism, anxiety and OCD. His actions that night were not normal. He was a victim who was arrested and sent to jail by the police who are supposed to protect its citizens and disabled. Brian's mom and grandparents were at the trial and noticed the prosecuting attorney making derogatory comments and making fun of this disabled citizen of Martinsville in front of his family and many other people in the court room.

KEND STELLA FORINASH 916 CHALMERS ST, APT B MARTINSVILLE, VA 24112 G. E CASSADY CHIER OF POLICE MARTINSVILLE POLICE DEPORTMENT 55 WEST CHURCH ST. MARTINSVILLE, UA 24112

Dear Chief of Police of Martinsville Police Dept., CC: Commonwealth Attorney, Case no. C18-3138, 55 West Church Street, For Jason McMurray
CC: Commonwealth Attorney Case no. C18-3138!
55 West Church Street, For Jason McMurray
IVIUNICIOAL BUILDINA
Martinsville, VA 24112, Martinsville Circuit Court case
Discovery Request
Under Virginia Code in regards to discovery requirements for misdameanor and fetony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of
for misdameanor and fetony trials in the Commonwealth of
Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill
hereby reguests a copy of Police Body-Camera
footage presumably recorded by Sgt. R.D. Jones of
Martinsville Police Department between the times of 3:00AM
Martinsville Police Department between the times of 3:00AM and 4:00AM, September 21, 2018, where I gave statements about the man wearing the hoodie who had
statements about the man wearing the hoodie who had
INTERIENDA LA CUIL MU MAINDE NOBORIA TILL AN IND IND MID NOMI
of September 20, 2018. Please turn over that Police
body camera tootage recording evidence copy to my
of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.
Office, As Soon As Possible. Thank You for your service.
My Kespects,
Brian D'Hill
Vated January 19, 2019. Signed
P.S. Brian Hill has Autism Brian David Hill #29947-057
Spectrum Disorder in DMV Federal Correctional Institution 1
handicap placard records. Old NC Hwy 75; P.O. Box 1000
Justice For USWGO. wordpress.com
U.S.W.G.O.'

# **EXHIBIT 5**

attached to: Motion to Reconsider the Order denying "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



#### VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,	)	
CITY OF MARTINSVILLE,	)	CASE NO: CR19000009-00
PLAINTIFF(s),	)	DECLARATION OF BRIAN DAVID HILL OF
	)	NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN
<b>V.</b>	)	SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF
	)	CONVICTION OF CRIMINAL CHARGE
BRIAN DAVID HILL,	)	PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA
DEFENDANT.	)	CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL
	,	ERRORS

DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC
DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET
ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL
CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE
COURT, CLERICAL FACTUAL ERRORS

Respectfully filed/submitted with the Court,

This the 13th day of February, 2023.



Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2, Martinsville, Virginia 24112 (276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

Pursuant to the Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty.", criminal defendant Brian David Hill hereby state as follows to the Circuit Court for the City of Martinsville under penalty of perjury,

- 1. I am Brian David Hill, criminal defendant in this case. I am a party to this litigation. CASE NO: CR19000009-00. I had filed the "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" on January 26, 2023. This Declaration is based on recently discovered evidence.
- 2. On September 21, 2018, I was appointed a Public Defender by the General District Court due to being considered indigent which is also termed as In Foruma Pauperis in the Federal Court system. The Assistant Public Defender who represented me was Scott Albrecht. He had first met with me in Martinsville City Jail along with an assistant after the Public Defender was appointed, after I was arrested and was considered indigent.
- 3. Yesterday, my mother Roberta Hill was researching people to contact as I am considering filing a FOIA Lawsuit against Kendall Davis, Public Information Officer for the City of Martinsville, and against Martinsville Police Department. I am considering filing a FOIA lawsuit if no written response in a certain number of

days, or if my FOIA Request is refused even after me filing my addendum and declaration under penalty of perjury which is also an addendum to my original FOIA Request.

4. I am aware that Roberta found in the Staff Directory at the City of Martinsville website, just out of curiosity, an Assistant Commonwealth Attorney named Scott Albrecht. She shown this to me last night. The same name as the very attorney Scott Albrecht who was an Assistant Public Defender in the City of Martinsville, who represented me in General District Court and in the Circuit Court in my criminal case. I haven't yet confirmed whether this "Scott Albrecht" is the same Attorney Scott Albrecht who was supposed to represent me as my court appointed lawyer in 2018-2019, and if it is the same then I believe the Circuit Court would need to conduct an inquiry as to whether a conflict of interest exists in him assisting the Commonwealth Attorney Glen Andrew Hall who had prosecuted me after I was charged with a crime in this case, originally in the General District Court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also Holloway v. Arkansas, 435 U.S. 475 (1978); Dowell v. Commonwealth, 3 Va. App. 555 (1987). I asked Roberta Hill to print out in PDF Format the Staff Directory webpage at: https://www.martinsville-va.gov/Directory.aspx?did=25 and Wayback Machine archive at http://web.archive.org/web/20230213050244/https://www.martinsvilleva.gov/Directory.aspx?did=25 (text links/urls provided by Roberta Hill).

- 5. I hereby attach to this Declaration/unsworn-affidavit a true and correct printout of the web-link address at: <a href="https://www.martinsville-va.gov/Directory.aspx?did=25">https://www.martinsville-va.gov/Directory.aspx?did=25</a>, 2 pages printout, of the Staff Directory Martinsville, VA CivicEngage. This is attached to this Declaration thereto.
- 6. I wasn't entirely trusting of Attorney Scott Albrecht because of past issues with court appointed lawyers in my Federal Case in the Middle District of North Carolina. In fact, I had gut feelings which led me to doing pro se things and filing things pro se. Including writing a letter in January 2019 and mailing a photocopy of the same to the Chief of Police requesting the body-camera footage.
- 7. While I was at Martinsville City Jail and I believe it was around sometime in November 2018, he spoke with me in the jail about him pushing to get the discovery including the photographs of me naked. He told me I was innocent and said that being naked is not illegal because I was not being obscene, that was why I later did case law research when I was in Western Virginia Regional Jail after I was found guilty in General District Court. Scott Albrecht told me that me and him would go over the photos together of me to see under the legal determination if I was aroused in the photos of me naked. Clearly there should have been review over all discovery evidence before the Trial on December 21, 2018. I do not recall ever going over the photos with him to see if we can make any determination. I do not remember, I am trying to remember and I cannot, I do not believe he and me ever

went over the discovery evidence before the Trial in the General District Court on December 21, 2018. The first time I saw the introduced evidence of the printouts of the photos of me in the nude by the Commonwealth Attorney Glen Andrew Hall was at the Trial in the General District Court. I had also filed a pleading in the General District Court about what me and Scott Albrecht talked about, about him telling me that I was innocent. I had filed it in the GD paperwork on November 29, 2018, filed by the Clerk of the General District Court. I did try to mail it out on November 26, 2018 from the jail where I was at the time, and it was filed by the Clerk on November 29, 2018, so technically it was filed on November 29, 2018.

8. There were funny things going on during the Trial in the General District Court. Like Scott Albrecht shown no case law about obscenity being required to have me found guilty of Virginia Code § 18.2-387. See Romick v. Commonwealth, Record No. 1580-12-4 (Va. Ct. App. Nov. 19, 2013), Moses v. Commonwealth, 45 Va. App. 357, 360, 611 S.E.2d 607, 608 (2005) (en banc), etc etc. He did read the statute of obscenity, and Glen Andy Hall did argue that the defendant "was not charged with obscenity", I remember Andy Hall saying those words that I "was not charged with obscenity". I remember him arguing those words. Later on, when I reread the Arrest Warrant against me, it did charge me with intentionally making an obscene display. So, Mr. Hall was trying to argue a mis-argument in the General District Court. The judge heard me testify under penalty of perjury making

statements about the man wearing the hoodie. Scott Albrecht did ask the Officer Robert Jones if Brian approached anybody and that person screaming "oh my God!" and the officer admitted that I didn't. Officer Jones's testimony did support the fact that I was not obscene because in the totality of circumstances I was not trying to appeal to the prurient interest in sex. However, my family members who were present at my Trial watched Scott Albrecht as he argued my case and thought he was kind of letting Glen Andy Hall walk all over him and dominating the Trial proceeding. My mother told me the opinion about him letting Andy Hall kind of dominate the Trial, my grandparents thought he was not doing a good job as an attorney, so this Court may want to question Roberta Hill, Stella Forinash, and Kenneth Forinash. They thought he was kind of a poor lawyer meaning a lawyer who did a poor job defending me, that he wasn't a good trial attorney.

8. After the judge found me guilty in General District Court, I whispered or said in a low voice to Attorney Scott Albrecht that I wanted him to appeal the decision and told him that I want to appeal it in fear that my supervised release would be violated. Then he said in response that: "your supervised release is already revoked", and then I was taken away by the officers. I was upset at Scott Albrecht. This Court can also review over the "PUBLIC DEFENDER TIME SHEET", and I believe it was filed in General District Court on December 21, 2018. It said the total number of hours he spent out of court was 1 hour, and the

time "In Court" was only 20 minutes. A very short Trial in the General District Court. He didn't really spend a lot of time in the case according to his filed "PUBLIC DEFENDER TIME SHEET" in the General District Court. Scott Albrecht was a terrible lawyer and I had wondered why he was.

9. I am not sure if Scott Albrecht ever filed a notice of appeal, as I tried to get it mailed off my pro se notice of appeal the same day I was found guilty, that I had asked him to do verbally. In fact, the record of the General District Court shown that I had initiated a pro se written notice of appeal in the General District Court which would have brought the case to the Circuit Court, this very case itself, it was me who pushed a pro se written notice of appeal to the Circuit Court and then there was another notice of appeal form with the signature of Scott Albrecht who was supposed to do what I had asked him to do and appeal the decision. It seemed like me trying to file the appeal pro se caused him to have his signature in a form notice of appeal document as I see from the record. This attorney seemed sketchy to me, I didn't 100% trust him and my trust meter started lowering after I had to file a written notice of appeal. Scott Albrecht told me I was innocent and did nothing illegal but I was found guilty by the judge, why??? I do believe he was right but he didn't handle the case the right way and that made me skeptical about my own lawyer.

- 10. I will admit he did a great job getting me released on bond/bail conditions which I complied with to the letter. I will admit he did push for three court orders in my criminal case for discovery. However, he was deficit in any push for sanctions or enforcement. He never pushed to compel compliance with those court orders, even though he is supposed to be an officer of the court at those times. Albrecht never pushed for sanctions for destruction of evidence, and Matthew Scott Thomas Clark never pushed for sanctions for destruction of evidence. Albrecht never pushed for any inquiring into non-compliance with the very court orders he pushed for. He didn't do his duty as an officer of the Court, he pushed for court orders but when they were not being complied with because of no body-camera footage being turned over to defense counsel or I was never given any indication of ever receiving the body-camera footage or copy of the same.
- 11. Now it all makes sense. If the same Scott Albrecht who had represented me, if this is the same attorney who seems to be named as the Assistant Commonwealth's Attorney, then this makes me suspect collusion between the Commonwealth Attorney and defense attorney even more. When I had filed the Motion asking for relief over fraud on the court on January 26, 2023, I had suspicions that it was either Scott Albrecht had colluded with the Commonwealth Attorney over destruction of body-camera footage and not pushing for compliance with those very court orders he pushed for, either collusion or ineffective assistance

of counsel meaning my counsel did a terrible job as an attorney and was deficient. If this "Scott Albrecht" who is an Assistant Commonwealth Attorney to Glen Andrew Hall, Esq. the Commonwealth Attorney, if this is the same attorney who had represented me in the General District Court, then it all makes sense to me why I was found guilty as charged. The Trial was rigged in my opinion to have me found guilty with a rigged defense attorney; this can be proven now with all of the deficiencies of Scott Albrecht. If this is the same Scott Albrecht, then I have no choice but to inform the Circuit Court that my Trial in the General District Court, I feel it was rigged against me. When my own court appointed lawyer who did a terrible job defending me, I am found guilty, no enforcement of court orders not complied with by Glen Andrew Hall that he pushed for as my defense attorney, no asking for sanctions for noncompliance with those court orders, and then a "Scott Albrecht" works for the very same prosecuting attorney who prosecuted me at the Trial in the General District Court on December 21, 2018, with Scott Albrecht as my defense attorney.

12. I have a right to feel suspicious. Seeing the same name "Scott Albrecht" working for the other side in my case, working for Glen Andrew Hall aka Andy Hall the Commonwealth Attorney who is the prosecuting attorney for my case in General District Court and in the Circuit Court.

- 13. My suspicions are warranted here. The argument is this to the best of my opinion and belief under penalty of perjury. If my lawyer did such a terrible job as the Trial attorney in the General District Court, meaning he is not a very good lawyer, then why is he hired by the Commonwealth Attorney and paid by the Commonwealth Attorney or whatever as that name is clearly shown in the Staff Directory for the City of Martinsville??? I don't know when he was hired and why he was hired, and don't know if it is the same Scott Albrecht but the odds are very remote that it could be a different attorney named Scott Albrecht. The possibility that it may be a different Scott Albrecht who happens to be an attorney, working in Martinsville or for the Commonwealth Attorney in Martinsville. If he was such a poor lawyer who did a poor job at my case, then why was he named as an Assistant Commonwealth's Attorney??? That would make him a traitor. This is unethical, this is unprofessional, this is a conflict of interest if it wasn't already. That makes me suspicious that I felt that he definitely took part in defrauding the court as claims I had brought up in my filed Motion on January 26, 2023.
- 14. I feel that it is warranted for the Honorable Circuit Court to conduct an inquiry of Glen Andrew Hall, Esquire about his: "Assistant Commonwealth's Attorney" named "Scott Albrecht". This is definitely a conflict of interest in my opinion. Glen Andy Hall needs to file a letter with the Court stating under penalty of perjury that Scott Albrecht needs to recuse himself from the prosecution team

#### **RECONSIDERATION EXHIBIT PAGE 40 OF 48**

regarding this criminal case. That would be ethical to me. Scott Albrecht needs to recuse himself if it is the very same Scott Albrecht. I am concerned here, extremely concerned.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2023.



Brian D. Hill

Brian D. Hill Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2 Martinsville, Virginia 24112 (276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

# CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing Motion was emailed/transmitted by my Assistant Roberta Hill at <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> (due to Probation Conditions of not being allowed to use the Internet) to have delivered this Page 11 of 13

- (1) pleading and attachment of 2-page printout on the 13th day of February, 2023, to the following parties:
  - 1. Commonwealth of Virginia
  - 2. City of Martinsville

Again, by having representative Roberta Hill filing this pleading and attachment of 2-page printout on his behalf, filing with the Court, through email address <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a>, transmit a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq.	Hon. Jean P. Nunn, Clerk of the
Commonwealth Attorney's Office	Court
for the City of Martinsville	Circuit Court for the City of
55 West Church Street	Martinsville
P.O. Box 1311	Phone: 276-403-5106
Martinsville, Virginia 24114/24112	Fax: 276-403-5232
Attorney for the Commonwealth	55 West Church Street, Room 205
Phone: (276) 403-5470	P.O. Box 1206
Fax: (276) 403-5478	Martinsville, VA 24114
Email: ahall@ci.martinsville.va.us	Email: jnunn@ci.martinsville.va.us

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore, Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

All exhibits or any exhibits with anything printed from any internet-based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c/o Roberta Hill at <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



See the two-page attachment to this pleading:

Filename: Staff Directory • Martinsville, VA • CivicEngage.pdf

# **EXHIBIT 6**

attached to: Motion to Reconsider the Order denying "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



# SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT Prepared by Stella Forinash, edited and modified by Brian David Hill Case no. CR19000009-00, For Martinsville Circuit Court; Date: February 14, 2023

- 1. Chimney people deny putting tin instead of screen on chimney causing carbon monoxide to go inside our home because no where for gas to escape 11 months (Oct. 2017) before my arrest. Denied coming to the house. Phone call logs/records & canceled check proves they did come and got paid. See EXHIBIT APPENDIX VOLUME I OF II (Pages 1 532) IN SUPPORT OF MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE OF SUSPECT JACODY CASSELL OF BUSINESS ENTITY: THE CHIMNEY SWEEP WHO CAUSED CARBON MONOXIDE POISONING INTOXICATION OF CRIMINAL DEFENDANT WARRANTING NEW TRIAL OR ACQUITTAL, filed on September 6, 2022.
- 2. Court appointed lawyer never introduces or pushes as evidence in the Court the expert testimony from the chimney expert who found the tin 3 months after my arrest (Jan. 2019) and immediately removed it explaining that the damage inside our home was caused by carbon monoxide coming from our natural gas hot water heater & natural gas boiler furnace into the house nowhere else to escape. See EXHIBIT APPENDIX PG. 18 OF 532 of EXHIBIT APPENDIX VOLUME I OF II (Pages 1 532) IN SUPPORT OF MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE OF SUSPECT JACODY CASSELL OF BUSINESS ENTITY: THE CHIMNEY SWEEP WHO CAUSED CARBON MONOXIDE POISONING INTOXICATION OF CRIMINAL DEFENDANT WARRANTING NEW TRIAL OR ACQUITTAL, filed on September 6, 2022.
- 3. Doctor at hospital does not test the blood sugar from a type 1 brittle diabetic (Sept 2018) who was out walking for miles & hours in the middle of the night wearing no clothes. It is on hospital records that I am a type 1 diabetic (take insulin) with seizure history when glucose goes low; have autism & OCD. See EXHIBIT PAGE 253-260 OF 337 of EXHIBITS 1-25 attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"
- 4. They do other blood work, charge Medicaid for the blood work, then destroy the blood work without any result per hospital & Medicaid billing records. See EXHIBIT PAGE 260 OF 337, EXHIBIT PAGE 88-91 OF 337, and EXHIBIT PAGE 248-249 OF 337 of EXHIBITS 1-25 attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".
- **5.** I requested body camera footage, my family requested body camera footage, court appointed attorney requested body camera footage, court requested body camera footage. No one follows through. I discovered on 2-13-2023 body cam was not marked as evidence and destroyed after these entire request for it. **See pleading: Brian Hill FOIA Request.pdf**,

Letter from Kendall David, Public Information Officer of City of Martinsville, filed with Clerk on February 13, 2023.

- 6. Police who arrested me admits in court that I told him that I had autism. Also admits in court that after years of being a police officer, he has very little training in autism. Autism, type 1 (insulin dependent) diabetes and OCD are all covered under the Americans with Disabilities Act. I have medical proof from 1994 and from 2019-2023 that I have all 3 disabilities plus more. See EXHIBIT PAGE 39-40 OF 337 of EXHIBITS 1-25 attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".
- 7. Police who did the arrest admits in court he was not aware that I was a type 1 diabetic and have OCD. **Again, see EXHIBIT PAGE 39-40 OF 337 of EXHIBITS 1-25.**
- 8. Court appointed attorney does not give my full mental history around the time of the alleged crime to the one doing the mental evaluation. It is very clear on the records of the Piedmont Community Services that I was diagnosed (Explained by whom, date & the diagnosis). See EXHIBIT INDEX PAGE 164-170 OF 317, EXHIBIT 19: Mental health medical records from Piedmont Community Services, concerning Dr. Conrad Daum patient visit on October 24, 2018 for attached to: "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL" by Brian David Hill. Filed with Clerk on August 31, 2022.
- 9. Police did not investigate, just arrest. I was put in jail and punished due to a Medical emergency in the middle of the night while my caregiver and family were asleep. See Element 1 in Statement of the Facts, Pages 22-36 of 107 in MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS.
- 10. Medical records tachycardia (meaning resting blood pulse is over 100 which is abnormally high, indication of possibly a serious medical issue)- given oxygen written on hospital records to see my doctor the next morning for more test. All of this ignored by police & court. See Pages 56-57 of 107 in MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS
- 11. Former Assistant Public Defender Scott Albrecht does absolutely nothing to compel compliance with Court Orders for the discovery evidence materials directly material to the charged crime. Material evidence was deleted/destroyed by Martinsville Police Department not knowing that the destroyed evidence should have been marked as evidence because prosecuting Attorney Glen Andrew Hall and Scott Albrecht both didn't do anything despite the court orders for discovery. Both failed as officers of the court to do their duty and wasted the court's time by allowing destruction of evidence and allowing non-compliance with Court Orders. See pleading: Brian Hill FOIA Request.pdf, Letter

from Kendall David, Public Information Officer of City of Martinsville, filed with Clerk on February 13, 2023.

- 12. In 2023, it is discovered that a lawyer named "Scott Albrecht" has been found to be an Assistant Commonwealth's Attorney according to a printout from Staff Directory of the City of Martinsville, a local government website. Same name as the Assistant Public Defender Scott Albrecht who represented me, Brian David Hill, since the Public Defender was appointed as my counsel of record. See recently filed "DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS", filed on February 13, 2023.
  - Respectfully filed with the Honorable Circuit Court, on February 14, 2023.





Brian D. Hill
Defendant
Former news reporter of U.S.W.G.O. Alternative News
Ally of Q
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505



<u>JusticeForUSWGO.NL</u> or <u>JusticeForUSWGO.wordpress.com</u>

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Pleading was transmitted, to the office of Glen Andrew Hall, Martinsville Commonwealth's Attorney, 55 W. Church Street, Martinsville, Virginia 24112, Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>, on this 14thday of February, 2023.

Brian D. Hill

Brian D. Hill Defendant

# **EXHIBIT 7**

attached to: Motion to Reconsider the Order denying "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



#### **RECONSIDERATION EXHIBIT PAGE 48 OF 48**

#### Jeanie Nunn

From:

Nancy Sherman

Sent:

Friday, February 01, 2019 10:35 AM

To: Subject: Jeanie Nunn; Andy Hall RE: Brian David Hill Ja 2000)

The Sheriff's Office confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.

From: Jeanie Nunn < JNUNN@ci.martinsville.va.us>

Sent: Tuesday, January 29, 2019 2:43 PM

To: Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; Scott Albrecht

(salbrecht@mar.idc.virginia.gov) <salbrecht@mar.idc.virginia.gov>

Cc: Judge Greer <cgreer@ci.martinsville.va.us>

Subject: Brian David Hill

On January 28, at the request of the Commonwealth, the Judge directed me to issue a capias on Mr. Hill since he is in Federal Custody in Butner NC and the Commonwealth wanted it placed as a Detainer against him. In reviewing his file determining the reason to show for the capias, I knew it couldn't be failure to appear so I thought "REVOKE HIS BOND". However, Mr. Hill has never made bond, therefore, the indecent exposure charge should be listed in his file in the federal system and he should have a detainer against him anyway. The commonwealth may be able to contact Butner or possibly get the police department to check and make sure it is showing on his file that he has to be returned to us after completion of his fed time for the pending offense here.

Or Judge, if you have a particular charge you want me to issue a capias under and place a new detainer, please advise. Also, do I just continue this until next misdemeanor appeal day for a status review?

Thanks,

Jeanie Nunn

Certified Master Chief Deputy Clerk Martinsville Circuit Court P O Box 1206 Martinsville, VA 24114

# LETTER TO U.S. ATTORNEY OFFICE ON POSSIBLE OBSTRUCTION OF JUSTICE DUE TO EVIDENCE SURFACING ON POLICE CHIEF ADMITTING VIDEO EVIDENCE DESTROYED/DELETED IN APRIL 9, 2019

#### TUESDAY, FEBRUARY 14, 2023

ATTN: Assistant U.S. Attorneys involved

in case. no. 1:13-cr-435-1

U.S. Attorney Office

101 South Edgeworth Street, 4th Floor

Greensboro, NC 27401

Phone Number: (336) 333-5351

Fax: (336) 333-5381

Case no. 1:13-cr-435-1. Civil Case no: 1:22-CV-00074

U.S. Attorney Office and Assistant U.S. Attorneys involved in case. no. 1:13-cr-435-1,

Re: Supervised Release Violation original charge; Nov 13, 2018

I had received a document yesterday from the Public Information Officer of the City of Martinsville, evidence that you may need to know about because this may prove Obstruction of Justice under 18 U.S. Code § 1519. What you or your office decides to do with this new evidence (3 page letter, court orders in attachment to this letter), it is up to your office or even the U.S. FBI/DOJ as to what to do about this.

I have new evidence which came in yesterday. This directly impacts my supervised release violation charge from Nov 13, 2018. I am faxing you in attachment a copy of the letter from Kendall Davis who received a response from the City's new Police Chief Rob Fincher. This has brought evidence supporting my allegation of unlawful evidence destruction, evidence you should have been privy to and evidence the U.S. Probation Office and U.S. Attorney should have been privy to. Evidence was possibly intentionally destroyed in non-compliance with state court orders, evidence you did not know you could have obtained, that the U.S. Attorney could have obtained, and Renorda Pryor could have obtained as discovery. The judge was in the dark, you as the U.S. Attorney was in the dark, because the body-camera

footage was secretly destroyed, and the Police Chief admitted the footage did exist. In 2019, I mailed a letter to the Police Chief about me requesting the body-camera footage for my state case which is material evidence to my supervised release violation charge in 2018 as well. It is material evidence unlawfully destroyed by cover up. This is new evidence supporting my claim of fraud on the court, fraud on the court ground in my 2255 case.

I just learned yesterday that policy may not have been followed at Martinsville Police Department regarding preservation of evidence after my arrest on September 21, 2018. I had learned from my new City Police Chief of the number of days that all body-camera footage and evidence is subject to a retention period before it is deleted/destroyed unless that specific piece of evidence is "marked as evidence" to be retained indefinitely. Body-camera footage was recorded on September 21, 2018 by Officer Robert Jones on the day of my arrest, but from what I understood from the three page letter, the body-camera footage was uploaded onto a server or some kind of computer system ran by the Martinsville Police Department. The body-camera footage was not marked as evidence and was deleted on April 9, 2019, a month before I was released on bond, months before Attorney Renorda Pryor was appointed to my federal supervised release case. Evidence was destroyed/deleted which was subject to investigation by the Feds aka the U.S. Probation Office and eventually your office as the U.S. Attorney Office investigating my charge after my arrest. I am also faxing you three court orders from my indecent exposure case in Martinsville judicial system. All three of those court orders were not complied with by Martinsville Police Department by G. E. Cassady, not complied with by the Commonwealth's Attorney Glen Andrew Hall, and was not enforced by Attorney Scott Albrecht. I feel they are complicit in this cover up. All three may have been involved in unlawful destruction of evidence or failure to preserve material evidence which would have shown I was under indication of intoxication, and involuntary intoxication is a defense to a charge of indecent exposure because of lack of intent, lack of intent to make an obscene display. Evidence proving that was covered up, I believe it was intentional.

As far as what the Police Chief is admitting in the letter, it appears that the Commonwealth Attorney had a duty as an officer of the Court to notify the Martinsville Police Department of Robert Jones's charge against me and that the body-camera footage recorded of me was material evidence to my criminal charge, subject to discovery, within the scope of the three court orders I am faxing you. Officer Robert Jones who charged me on September 21, 2018, had a duty to notify the evidence retention/record-keeping officer that the body-camera footage was material evidence subject to litigation. Attorney Scott Albrecht which would have been the last safety valve to prevent spoliation, should have asked the Police Department, pursuant to one or more court orders asking for discovery, to preserve evidence via a litigation hold letter. None of that happened. The U.S. Attorney may or may not have been aware of unlawful destruction of evidence during a inquiry by the U.S. Probation Office and U.S. Attorney Office; cover up and unlawful destruction of evidence.

Here is what I am asserting with the U.S. Probation Office and your office the U.S. Attorney Office (An Adverse Inference) as to why the bodycamera footage was not marked as evidence which doesn't follow their policy that a criminal charge which is litigation would have required the preservation of the body-camera footage to be retained indefinitely, and was routinely destroyed in violation of two prior court orders (third court order was after deletion of evidence), prior to the deletion of evidence on April 9, 2019 while I was at FCI Butner or FCI Petersburg (I will have to go back and recheck any records I have of my time period of the mental evaluation there), evidence subject to investigation by either the U.S. Probation Office or the U.S. Attorney or both. I am asserting that carbon monoxide gas had caused intoxication, it can cause intoxication similar to drugs, substances, and gases. My medical records from the local hospital prove that for two times I had a resting blood pulse of over 100 while I was sitting in a hospital bed after I was detained by Martinsville Police Department, and that is a technical medical term known as "Tachycardia". Carbon monoxide and certain drugs or medications could cause tachycardia. The hospital didn't investigate. Hospital deleted from chart just like the Police Department deleted evidence. "Deleted" a very peculiar word there. A very nice word, meaning destruction of any and all evidence which would have had me found innocent of the supervised release violation, deleted evidence.

My gestures, mannerisms, my behavior during the recording of the body-camera footage would have shown that I was not with it, that I was not in my right state of mind, that I was **intoxicated**.

"Common causes of Tachycardia include: Heart-related conditions such as high blood pressure (hypertension) Poor blood supply to the heart muscle due to coronary artery disease (atherosclerosis), heart valve disease, heart failure, heart muscle disease (cardiomyopathy), tumors, or infections." "It is long established that exposure to carbon monoxide, either accidental or arising from environmental pollution, can lead to cardiac arrhythmias"

Virginia and/or Federal Courts I believe have a defense to a criminal charge, and that defense is called involuntary intoxication. The body-camera footage would have shown me making behavioral indications of being intoxicated and also dehydrated at the time I was recorded on the camera by Officer Jones. I think if theoretically the footage was reviewed over prior to being deleted, it would hurt the prosecution of indecent exposure case since any judge or jury would see how I acted in the footage, and they would feel I was out of it or weren't talking right, any toxicologist would have determined I was intoxicated at the time I was found naked had they reviewed over the body-camera footage. That itself would have jeopardized the entire prosecution. So it was covered up in my belief. Covering up may be obstruction of justice. Destroying evidence by not marking it as evidence even after two court orders within that scope, so it can be routinely deleted, that may be a federal crime. That may be obstruction of justice.

You now will have the 3-page letter from Kendall Davis. You may feel free to obtain any affidavits or statements from Police Chief Rob Fincher. Feel free to conduct any criminal investigation into this evidence deletion which doesn't even conform to Police Department policy on retaining evidence after a litigation such as a criminal charge had been initiated against me. Evidence destruction after it was already subject to a court order or multiple court orders is also fraud on the court and contempt of court, you were deceived (argument for fraud on the court) if you never reviewed over the body-camera footage and wasn't aware of this evidence until after it was deleted. Maybe you did review over it, maybe you didn't. If

you didn't then you and the U.S. District Court and the state courts were deceived by this destruction of evidence, and that is a fraud on the court.

You have the evidence of potentially a federal crime here. You have the evidence of unlawful destruction of evidence pursuant to the supervised release violation prosecution and charge.

Brian D. Hill

God bless you,

Brian D. Hill

310 Forest Street, Apartment 2 Martinsville, Virginia 24112

(276)790-3505



February 10, 2023

Brian David Hill 310 Forest Street, Apt. 1 Martinsville, VA 24112

Dear Mr. Hill,

Please see the following information in regards to your FOIA request. These answers were provided by Police Chief Rob Fincher.

#1

The Martinsville Police Department utilizes a server-based video system created by COBAN Tech Corporation which is now owned by Safe Fleet Inc. This system has a programed Digital Video Management System or DVMS. The DVMS follows a retention system for those videos that have not been marked as evidence by the Commonwealth's Attorney's Office. If the Commonwealth's Attorney's Office designates a video as evidence it is retained indefinitely. All other videos are subject to the DVMS retention schedule. The DVMS begins cleanup when a video is within the minimum and maximum hold period for its event classification and when the disk usage is more than 80% and have not been accessed in 150 days. DVMS cleanup refers to changing the file allocation address of that data file to allow for other data to be stored in place of that file. This is like all computer systems in that if you tell the computer to delete an item, it is not actually deleted but designated to be overwritten. The event type retention schedule for the DVMS is as follows;

Event Type	Minimum Days	Maximum Days
Assist other Agency	183	200
Assist other Officer	183	200
Vehicle Crash	183	200
Alarm – Business/Residential	120	150
Body Camera default	183	200
Criminal Apprehension	365	400
CIT – ECO – TDO	183	200

Disorderly Person / Group	183	200
Domestic	365	400
DUI-DUID	365	400
Funeral Escort	30	31
General Assistance	180	200
General Traffic Stop	365	400
Interview Rooms	365	366
Pursuit	365	400
Redlight/Stop Sign	200	201
Suspect Interview	365	400
Speeding	183	200
Training	200	300
Victim Interview	183	200
Video Training	10	11
Witness Interview	183	200

#### #2

If a court receives an item as evidence or potential evidence, then the court retains those items in their evidence storage. A court can issue a preservation order in certain circumstances for a limited time with certain data evidence. I have not heard of one ever being used for video data. It is mostly used for cellphone and telephone data. If litigation is filed within a court then the status of a video regarding that case would then be changed to "evidence" and then retained indefinitely. Notice of that litigation would have to be served on the department within the retention period followed. If a suit is filed after the evidence has been destroyed there is no way to "un-destroy" an item.

#### #3

In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

Sincerely

Kendall Davis

Public Information Officer

City of Martinsville

# VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,	)	•
<b>v.</b>	)	CASE NO: C18-3138
BRIAN DAVID HILL,	)	
Defendant.	)	

#### **ORDER**

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

- (1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;
  - (2) A copy of any criminal record of the accused; and
- (3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of NOVIMBA, 2018.

I ASK FOR THIS:

Scott Albrecht, Esq. (VSB #88411)

Office of the Public Defender

P.O. Drawer 31

Martinsville, VA 24114

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Counsel for Defendant

SEEN and A

Attorney for the Commonwealth

City of Martinsville, Virginia

P.O. Box 1311

Martinsville, VA 24112

T: (276) 403-5470

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DATE/TIME 11-28-18 11.20
BY D-COLUMN SCIENT
BY D-COLUMN STRICT COURT

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

VS.

CR19-009

BRIAN DAVID HILL,

Defendant.

#### ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

- (2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.
- (3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeblemindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 6th day of February, 2019.

Judge

I ASK FOR THIS:

Scott Albrecht (VSB #88411) Office of the Public Defender

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salbrecht@mar.idc.virginia.gov

SEEN:

Counsel for the Commonwealth

EXHIBIT PAGE 120 OF 164

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

vs.

CR19000009-00

BRIAN DAVID HILL,

Defendant.

#### ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

- (2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.
- (3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeblemindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15th day of July, 2019.

Judge

I ASK FOR THIS:

Scott Albrecht (VSB #88411)

Office of the Public Defender

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SEEN:

Counsel for the Commonwealth

#### VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE,	) CASE NO: CR19000009-00
PLAINTIFF(s),	)
` ','	MOTION FOR SET ASIDE OR RELIEVE DEFENDANT
<b>v.</b>	OF JUDGMENT OF CONVICTION OF CRIMINAL
	CHARGE PURSUANT TO VIRGINIA CODE § 8.01-
	428(D), VIRGINIA CODE § 8.01-428(A) AND
BRIAN DAVID HILL,	VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF
DEFENDANT.	FRAUD UPON THE COURT, CLERICAL FACTUAL
	ERRORS

MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF

CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA

CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA

CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT,

CLERICAL FACTUAL ERRORS

Respectfully submitted with the Court,

This the 26th day of January, 2023.

Brian D. Hill

Brian D. Hill Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2 Martinsville, Virginia 24112 (276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**COVER PAGE** 



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1. The Plaintiffs through Officer Robert Jones had charged Brian David Hill on September
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necessary investigation to find out why Defendant was naked in the middle of the night,
with Autism Spectrum Disorder, with Type 1 Brittle Diabetes, and that the officer
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2.	The Plaintiffs were ordered three separate times by two Courts in total (General District
	Court, Circuit Court) including this Court to have provided discovery evidence to the
	Defendant and/or to his court appointed attorney which includes any recorded statement
	of the Defendant made to law enforcement concerning the criminal charge; instead the
	Plaintiffs' had destroyed the discovery evidence of the police body-camera footage
	during the pendency of the criminal trial proceedings and litigation, then they demand a
	jury trial despite knowing that they destroyed evidence favorable to the Defendant in
	violation of three separate court orders which is CONTEMPT OF COURT; (Element
	2)
3.	Plaintiffs had prosecuted the case without fully having the probable cause necessary to
	sustain a charge and obtain a criminal conviction, meaning that they had charged
	Defendant with: "intentionally make an obscene display of the accused's person or
	private parts in a public place or in a place where others were present." The elements
	which the Plaintiffs had lacked when Robert Jones had charged Defendant was (1) "was
	medically and psychologically cleared.", (2) Defendant had "intentionally make an
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5.	The Police officer Robert Jones of Martinsville Police Department had made statements
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indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform. The body-cam footage would have shown footage not favorable to the Martinsville Police Department in how they handled the situation of a person with medical issues including a neurological disability of autism spectrum disorder and Type 1 brittle diabetes. That is what the Defendant is proffering to this Court as a fact of an adverse inference. Defendant is entitled to an adverse inference when the Plaintiffs had not complied with three court orders for discovery evidence materials and had destroyed evidence subject to those three court orders			
Element 3: Plaintiffs had prosecuted the case without fully having the probable cause			
necessary to sustain a charge and obtain a criminal conviction, meaning that they			
had charged Defendant with: "intentionally make an obscene display of the			
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## Motion/Petition to Vacate Judgment pursuant to Section 8.01-428(D), Section 8.01-428(B), and Section 8.01-428(A)

COMES NOW the Defendant, BRIAN DAVID HILL ("Defendant"), by and through himself pro se, and moves this Honorable Court for the following independent action, for setting aside a judgment, and/or vacating a judgment, and/or bringing relief against a judgment of criminal conviction entered on November 18, 2019 (**EXHIBIT PAGE 271 OF 337**) against the Defendant, caused by the instant criminal charge which had been filed against Defendant on September 21, 2018. See **EXHIBIT PAGE 2-4 OF 337**. That judgment in the Circuit Court is wrongful and should be vacated, set aside, considered as void or voided, or altered to reflect a judgment of acquittal as a matter of law, or that charge be nullified or voided. This independent action is not time barred and is not barred by Rule 1:1. The judgment which the Defendant is challenging is the Judgment in **EXHIBIT PAGE 271 OF 337, EXHIBIT 21**, the judgment rendered on November 18, 2019, convicting the Defendant of the crime of "INDECENT EXPOSURE", of Virginia Code 18.2.387.

See Lowe v. Commonwealth, Record No. 0036-02-3, (Va. Ct. App. Jan. 14, 2003) (""Fraud consists of a false representation of a material fact, made intentionally and knowingly, with the intent to mislead, upon which the defrauded

person relies to his detriment." Peet v. Peet, 16 Va. App. 323, 326, 429 S.E.2d 487, 490 (1993). Fraud may be extrinsic or intrinsic.")

See Davis v. Commonwealth, No. 0972-22-4, 2 (Va. Ct. App. Jan. 10, 2023) ("However, Code § 8.01-428 provides limited exceptions to Rule 1:1, and states in relevant part: D. Other judgments or proceedings.-This section does not limit the power of the court to entertain at any time an independent action to relieve a party from any judgment or proceeding, or to grant relief to a defendant not served with process as provided in § 8.01-322, or to set aside a judgment or decree for fraud upon the court."). Davis v. Mullins, 251 Va. 141, 149 (Va. 1996) ("One such exception is provided by Code Sec. 8.01-428(B) which permits the trial court to correct at any time "[c]lerical mistakes in all judgments or other parts of the record and errors therein arising from oversight or from an inadvertent omission." Code Sec. 8.01-428(B); see also Lamb v. Commonwealth, 222 Va. 161, 165, 279 S.E.2d 389, 392 (1981). In addition, in Council v. Commonwealth, 198 Va. 288, 292, 94 S.E.2d 245, 248 (1956), we adopted the majority view that the trial court has the inherent power, independent of statutory authority, to correct errors in the record so as to cause its acts and proceedings to be set forth correctly. In short, the court has the inherent power, independent of the statute, upon any competent evidence, to make the record "speak the truth." Netzer v. Reynolds, 231 Va. 444, 449, 345 S.E.2d 291, 294 (1986).")

The law which gives this Court jurisdiction to grant this motion and/or consider this motion on its merits or even provide an evidentiary hearing in regard to this motion is based upon Va. Code § 8.01-428: which Section 8.01-428 is — "Setting aside default judgments; clerical mistakes; independent actions to relieve party from judgment or proceedings; grounds and time limitations" (citation reformatted). The brief in this motion will argue how this Court does have jurisdiction over independent actions under Va. Code § 8.01-428.

#### **ACCOMPANYING EVIDENCE FILINGS:**

The following evidence filings shall accompany this filing in support of this MOTION and is referenced herein.

1. Evidence\_Declaration-1-26-2023.pdf - EVIDENCE OF FEDERAL
COURT DECLARATIONS UNDER PENALY OF PERJURY IN SUPPORT OF
MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF
CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE §
8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL
FACTUAL ERRORS. This document is being filed separately but accompanies this
MOTION so that the judge can easily access the citations of the different page
numbers from this separate document referenced in this Motion. – Pages marked as
EVIDENCE ATTACHMENT PAGE (#) OF 22.

2. Evidence\_Exhibits-1-26-2023.pdf - EXHIBITS 1-25 attached to:

"MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF

CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE §

8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01
428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL

FACTUAL ERRORS". This document is being filed separately but accompanies

this MOTION so that the judge can easily access the citations of the different page

numbers from this separate document referenced in this Motion. – Pages marked as

EXHIBIT PAGE (#) OF 337.

The grounds in support of this motion are briefly as follows and this motion also presenting a brief with legal arguments, facts, and evidence in support of this motion.

#### **GROUNDS:**

- 1. Fraud on the Court;
- 2. Factual errors aka clerical errors regarding facts which would have supported the Plaintiffs' push for a criminal conviction, disproven facts/disproven material elements warrant vacatur of judgment;
- 3. That the judgment is in conflict of laws by conflicting with

  Commonwealth Bar Rule 3.8 Additional Responsibilities Of A Prosecutor, Va. R.

  Page 10 of 107

- Sup. Ct. 3.8 ("(a) not file or maintain a charge that the prosecutor knows is not supported by probable cause");
- 4. That the judgment is in conflict of laws by conflicting with Commonwealth Bar Rule 3.8 Additional Responsibilities Of A Prosecutor, Va. R. Sup. Ct. 3.8 ("(d) make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, of the existence of evidence which the prosecutor knows tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment, except when disclosure is precluded or modified by order of a court");
- 5. That the Plaintiffs' by and through the Commonwealth Attorney knowingly destroyed evidence of police body-camera footage recorded on September 21, 2018, of Defendant talking about why he was out there on the Dick and Willie walking trail in the nude at nighttime because Defendant asserts that he has the adverse inference that the destroyed evidence of the policy body-camera footage could have proven that Defendant exhibited mannerisms and/or behavior which could indicate intoxication aka a criminal defense of involuntary intoxication. That is because such destruction of the body-camera footage violated three separate court orders for discovery materials (Brady Materials) which is contempt of court three separate times committed by the Plaintiffs';

6. That Defendant cannot be convicted as a matter of law with the evidence in support of independent action under § 8.01-428, therefore the judgment should be considered void or should be considered voidable, and should be voided with lack of jurisdiction to have even entered such a judgment, based on the lack of merits presented by Plaintiffs' since the charge on September 21, 2018, against the Defendant.

#### **END GROUNDS**

### LEGAL ARGUMENT AS TO WHY RULE 1:1 DOES NOT BAR THIS INDEPENDENT ACTION FROM THIS COURT'S JURISDICTION

Virginia Code § 8.01-428, is a limited statutory exception to Rule 1:1. Code § 8.01-428(D), permits a party to move to set aside a judgment for fraud upon the court, also applies in criminal cases. Pursuant to Code § 8.01-428(B), trial courts may also utilize *nunc pro tunc* orders to correct clerical errors within the record beyond the timeframe of Rule 1:1. *Jefferson v. Commonwealth*, 298 Va. 473, 476–77, 840 S.E.2d 329, 332 (2020).

See Wilson v. Commonwealth, 108 Va. Cir. 97, 101–02 (Fairfax Cir. Ct. Apr. 20, 2021) (Ortiz, J.) (holding that Code § 8.01-428(D) applies in criminal proceedings); see also Lamb v. Commonwealth, 222 Va. 161, 165, 279 S.E.2d 389, 392 (1981) (holding that Code § 8.01-428(B) applies in criminal cases and noting

that the text of Code § 8.01-428 does not limit its applicability to civil cases as its statutory predecessors did).

Peet v. Peet, 16 Va. App. 323, 327, 429 S.E.2d 487, 490 (1993) ("Generally, a judgment or decree rendered by a court having jurisdiction over the parties and subject matter must be challenged by direct appeal and cannot be attacked collaterally."). The exception is judgements that are void ab initio and can be challenged at any time. Id.

Peet v. Peet, 16 Va. App. 323, 326 (Va. Ct. App. 1993) ("Eagle, Star British Dominions Ins. Co. v. Heller, 149 Va. 82, 100, 144 S.E. 314, 319 (1927); cf.

Garritty v. Virginia Dep't of Social Servs. ex rel. Sinift, 11 Va. App. 39, 41-42, 396 S.E.2d 150, 151 (1990). A party may, however, assail a void judgment at any time, by direct or collateral attack. Beck v. Semones' Adm'r, 145 Va. 429, 441, 134 S.E. 677, 680 (1926); Garritty, 11 Va. App. at 42, 396 S.E.2d at 151. Although a judgment obtained by "extrinsic fraud" is void and, therefore, subject to direct or collateral attack, a judgment obtained by "intrinsic fraud" is merely voidable and can be challenged only by direct appeal or by a direct attack in an independent proceeding. Jones v. Willard, 224 Va. 602, 607, 299 S.E.2d 504, 508 (1983); Holmes v. Holmes, 8 Va. App. 457, 458-59, 382 S.E.2d 27, 28 (1989).")

Defendant will demonstrate a prima facie claim of fraud upon the court, and that the original charge was not based upon the very probable cause needed to warrant a conviction of it's criminal charge on September 21, 2018.

A judgment obtained by extrinsic fraud is void ab initio and can, therefore, be challenged at any time pursuant to Code § 8.01-428(D). Id. However, "a judgment obtained by 'intrinsic fraud' is merely voidable and can be challenged only by direct appeal or by a direct attack in an independent proceeding." Id.

Extrinsic fraud is "conduct which prevents a fair submission of the controversy to the court." Id. (quoting Jones v. Willard, 224 Va. 602, 607, 299 S.E.2d 504, 508 (1983). Extrinsic fraud includes: "[k]eeping the unsuccessful party away from the court by a false promise of a compromise, or purposely keeping him in ignorance of the suit; or where an attorney fraudulently pretends to represent a party[] and connives at his defeat." McClung v. Folks, 126 Va. 259, 279, 101 S.E. 345, 348 (1919); accord F.E. v. G.F.M., 35 Va. App. 648, 660, 547 S.E.2d 531, 537 (2001). In such circumstances, the fraud perpetrated "prevents the court or nondefrauding party from discovering the fraud through the regular adversarial process." F.E., 35 Va. App. at 660, 547 S.E.2d at 537 (quoting Peet, 16 Va. App. at 327, 429 S.E.2d at 490). "Extrinsic fraud, therefore, is 'fraud that . . . deprives a person of the opportunity to be heard." Id. (quoting Hagy v. Pruitt, 339 S.C. 425, 431, 529 S.E.2d 714, 717 (S.C. 2000).

Intrinsic fraud, on the other hand, "includes perjury, use of forged documents, or other means of obscuring facts presented before the court and whose truth or falsity as to the issues being litigated are passed upon by the trier of fact." Peet, 16 Va. App. at 327, 429 S.E.2d at 490. "A collateral attack on a judgment procured by intrinsic fraud has been deemed not warranted because the parties have the opportunity at trial through cross-examination and impeachment to ferret out and expose false information presented to the trier of fact." Id.

The Defendant couldn't address or had been able to have proven any factual issues of intrinsic fraud due to ineffective assistance of counsel, and any pro se motions filed by the Defendant were ignored by this Court while counsel was appointed to represent Defendant who was ineffective counsel and refused to do anything about any intrinsic fraud. Defendant also asserts ineffective assistance of counsel on why intrinsic fraud was never able to addressed by the Defendant. Defendant has no appointed counsel at this time, and so this motion should be considered and granted. This Could should accept the fact that Constitutionally intrinsic fraud was never addressed by court appointed counsels on the basis that Defendant wasn't allowed to file pro se motions or pro se motions were ignored while counsel did nothing to address any fraud by the Plaintiffs'. See *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052 (1984).

In fact, every court appointed counsel had either colluded with the destruction of evidence by the Plaintiffs' or had neglected to do their duties as officers of the Court to enforce Court Orders for discovery which included the police body-camera footage destroyed by Plaintiffs' after being given three court orders. It is usually wrongful to destroy evidence which is material to a pending criminal or civil litigation.

McQueeney v. Wilmington Trust Co., 779 F.2d 916, 921 (3d Cir. 1985)

("There is ample support among both scholars and courts for this line of argument. Wigmore calls the inference "one of the simplest in human experience": It has always been understood — the inference indeed is one of the simplest in human experience — that a party's falsehood or other fraud in the preparation and presentation of his cause, his fabrication or suppression of evidence by bribery or spoliation, is receivable against him as an indication of his consciousness that his case is a weak or unfounded one; and from that consciousness may be inferred the fact itself of the cause's lack of truth and merit.")

### GROUND OF "1. Fraud on the Court;" HAS MERIT BASED UPON THE SUPPORTING EVIDENCE

The elements of fraud upon the Court are as follows:

1. The Plaintiffs through Officer Robert Jones had charged Brian David Hill on September 21, 2018, within a few hours of detaining him, without conducting a Page **16** of **107** 

full, thorough, and necessary investigation to find out why Defendant was naked in the middle of the night, with Autism Spectrum Disorder, with Type 1 Brittle Diabetes, and that the officer Robert Jones had questioned Defendant while he was dehydrated before being given hydration by the local hospital; (Element 1)

- 2. The Plaintiffs were ordered three separate times by two Courts in total (General District Court, Circuit Court) including this Court to have provided discovery evidence to the Defendant and/or to his court appointed attorney which includes any recorded statement of the Defendant made to law enforcement concerning the criminal charge; instead the Plaintiffs' had destroyed the discovery evidence of the police body-camera footage during the pendency of the criminal trial proceedings and litigation, then they demand a jury trial despite knowing that they destroyed evidence favorable to the Defendant in violation of three separate court orders which is CONTEMPT OF COURT; (Element 2)
- 3. Plaintiffs had prosecuted the case without fully having the probable cause necessary to sustain a charge and obtain a criminal conviction, meaning that they had charged Defendant with: "intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present." The elements which the Plaintiffs had lacked when Robert Jones had charged Defendant was (1) "was medically and psychologically cleared.", (2)

Defendant had "intentionally make an obscene display" (Obscenity element), and (3) Intent itself; (Element 3)

- 4. The Police officer Robert Jones of Martinsville Police Department had charged him so quickly that it gave him and the Commonwealth Attorney the excuse to ignore evidence and refuse to conduct any further investigation into why Defendant was naked in the middle of the night; (Element 4)
- 5. The Police officer Robert Jones of Martinsville Police Department had made statements under oath in Federal Court as to the arrest of Brian David Hill on September 21, 2018, as to him being medically cleared but then the statements start coming out which draw the entire arrest into question that certain elements were not proven and thus the probable cause did not exist for every element of the charged offense; (Element 5)
- 6. The Defendant has clear and convincing prima facie evidence that he was NOT medically and psychologically cleared as assumed by Plaintiffs when that is one of the required elements of the charged crime as the CRIMINAL COMPLAINT has that element in the affidavit saying: "He was medically and psychologically cleared." (Element 6)

Again, Defendant had no opportunity to address any intrinsic fraud upon the court committed by the Plaintiffs' because of ineffective assistance of counsel who

didn't even ask the Court to enforce any discovery order and allowed Plaintiffs to destroy evidence favorable to the innocence of Defendant during pending litigation, and any pro se motions were ignored by this Court while Defendant was appointed counsel who did nothing to help the Defendant prove his innocence, and did nothing to pursue any action favorable to the Defendant except for getting him released on bond conditions, that was the only favorable relief Defendant ever got from any of his court appointed lawyers. Again, See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984). The Defendant's sixth amendment right to effective assistance of counsel was violated and deprived, so Defendant should be allowed in this motion to address both intrinsic and extrinsic fraud or consider the intrinsic fraud as extrinsic fraud due to ineffective assistance of counsel preventing any fraud from being brought up or investigated, preventing any fraud from being proven, and preventing any fraud from being addressed by this Court. No factual fraud was ever addressed by this Court as Defendant had not known what all of the proven fraud were. Even when he entered in November, 2019, the motion asking to vacate a fraudulent begotten judgment, the Defendant didn't have all of the facts because he didn't have access to the Record on Appeal and any records would cost 50 cents a page from the Clerk, Defendant had to wait until appeal, and for lawyer John Ira Jones, IV to sabotage Defendant's appeal and force the Defendant to fight the appeals pro se

without a lawyer, before he was able to get the large pages of the Record on Appeal and find out where he can prove the frauds and how he could prove the frauds.

Also, the Defendant never plead guilty, and the Honorable Giles Carter Greer made that clear when he struck out the words of pleading guilty because of what he had typed in his "Motion to withdraw appeal" where he maintains his innocence, because Judge Greer knew that Defendant was not pleading guilty. This may be construed under law as an Alford Plea. See **EXHIBIT PAGE 271 OF 337**. Defendant only "AFFIRMED JUDG, PAY COURT COSTS." Defendant did not plead guilty, so Defendant is still entitled Constitutionally to the standard where every element of the charged offense must be proven beyond a reasonable doubt. If the Defendant presents evidence to the Court that one or multiple elements of the crime are untrue, and can be disproven, then the Defendant is entitled to acquittal or any relief of a wrongful judgment as a matter of law, and a conviction cannot be sustained on a factual basis.

United States v. Gaudin, 515 U.S. 506, (1995) ("(a) The Fifth and Sixth Amendments require criminal convictions to rest upon a jury determination that the defendant is guilty of every element of the crime with which he is charged. Sullivan v. Louisiana, 508 U.S. 275, 277-278. The Government concedes that "materiality" is an element of the offense that the Government must prove under § 1001. Pp. 509-

511."). In this case, the Commonwealth of Virginia would be held to the Fourteenth Amendment of the U.S. Constitution, as due process of law requires "criminal convictions to rest upon a jury determination that the defendant is guilty of every element of the crime with which he is charged." If the defendant is not guilty of every element, then a conviction cannot be sustained as a matter of law, it is fraudulent and unconstitutional to sustain a conviction when material elements of a crime are disproved.

The case law of the SUPREME COURT OF VIRGINIA, yes, the Supreme Court of Virginia also establishes the same standards as the Federal Court standards. See Tompkins v. Commonwealth, 212 Va. 460, 462 (Va. 1971) ("In other instructions granted by the trial court, the jury was clearly told that the burden was upon the Commonwealth to establish beyond a reasonable doubt every element of the offense with which the defendant was charged."). See Hodge v. Commonwealth, 217 Va. 338, (Va. 1976) ("2. Presumption of innocence follows accused throughout trial and is sufficient to require acquittal unless Commonwealth proves beyond a reasonable doubt every material element of charge. Burden of proof is always upon Commonwealth and this burden never shifts.")

#### STATEMENT OF THE FACTS

This STATEMENT OF THE FACTS contains 6 elements.

The Statement of Facts is hereby presented to the Circuit Court for Martinsville based on the following pieces of evidence which prove fraud upon the court, and/or factual errors:

Element 1: The Plaintiffs through Officer Robert Jones had charged Brian David Hill on September 21, 2018, within a few hours of detaining him, without conducting a full, thorough, and necessary investigation to find out why Defendant was naked in the middle of the night, with Autism Spectrum Disorder, with Type 1 Brittle Diabetes, and that the officer Robert Jones had questioned Defendant while he was dehydrated before being given hydration by the local hospital.

According to the Transcript, Officer Robert Jones received a call about a naked man running; and that phone call by the caller came in around 3:12 AM. See **EXHIBIT PAGE 37 OF 337**. Then Officer Jones goes into explaining about listening to the Defendant as to why he was out there naked, talking about "a male that was in a hoodie, that he was told that he had to take those pictures". See **EXHIBIT PAGE 38 OF 337**. 3:12 AM does not indicate the time when Defendant was found but when the caller had called the police about a naked man running.

PAGE 4 OF 337) and ARREST WARRANT (EXHIBIT PAGE 2 OF 337) a few hours or less after he was found by Martinsville Police. A few hours or less. Not really anywhere near enough time to conduct an investigation into any of Defendant's claims. Defendant was arrested on 05:35 AM.

Martinsville Police could have done a thorough investigation into Defendant's claims and still could have detained Defendant for up to 48 hours in jail aka the 48 hour rule, then after a thorough investigation that they can be sure that they have the probable cause on all elements of the offense to make the CRIMINAL COMPLAINT to ensure that the matter was properly investigated before filing a charge which takes investigative jurisdiction away from Martinsville Police Department and switches jurisdiction to the Commonwealth Attorney who ignores evidence and doesn't investigate anything because they are attorneys and not police officers, they are not detectives but attorneys. (Disclaimer: links from Defendant's family) See https://kitaylegal.com/2022/01/01/detained-by-the-policeknow-your-rights/ "The police can detain you for questioning for up to 48 hours without pressing any charges. Some circumstances can allow the police to detain you for a longer period of time. These may include weekends or legal holidays." Police charged Defendant quickly without looking at all of the evidence, without investigating all of the facts, and without investigating all of the circumstances which may end up coming out in Court which may disprove the elements of the offense that the Commonwealth Attorney may not foresee or did foresee but pressed for the conviction anyways despite non-compliance with Virginia State Bar Rule 3.8.

The arrest was too quickly when they could have detained Defendant up to 48 hours while the police could have questioned Roberta Hill (Defendant's mother), and his grandparents as well as Dr. Brant Hinchman who released Defendant within approximately an hour after he had was hospitalized, released to Martinsville Police to be jailed. The police never drug tested him, they never even asked Dr. Brant Hinchman what his levels or abnormal levels were. The police never even subpoenaed his medical records and never spoken with the doctor about Brian's medical issues before arresting Defendant.

There was very little of any real investigation at all if any. They never checked the Department of Motor Vehicles (DMV) for any identification including any handicap status which would have Defendant under federal legal protection of the Americans with Disabilities Act (ADA) Title II, see Title 42 U.S. Code § 12131. The police disregarded his legal rights under the ADA. If Robert Jones had checked the DMV record very quickly, he would have found a record of both Defendant's state issued identification and a record of the DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION as is in **EXHIBIT PAGES** 190-193 OF 337.

Defendant had tried to submit evidence to the Martinsville Police Department in 2019 after his release on both State Court bond conditions and Federal Court bond conditions, the return receipt to restricted delivery certified mail envelope was

OF 337, with the fax which was faxed to Martinsville Police to pick up the envelope with evidence. After it was signed for by former Police Chief G. E.

Cassady, the envelope was never opened and the evidence was never looked at or investigated. See EXHIBIT PAGE 214-215 OF 337. The evidence the envelope was never opened is in photograph on EXHIBIT PAGE 213 OF 337. Defendant still has this envelope, still sealed, and not messed with. Defendant has this envelope, sealed envelope full of evidence mailed to Martinsville Police

Department, and is willing to turn over this envelope to the Circuit Court and to the Commonwealth Attorney for examination, authentication, and to make copies of it as part of the discovery process. Defendant will not cover up evidence, unlike the corrupt Commonwealth Attorney who covers up evidence.

Defendant was given the envelope of evidence from Attorney Matthew Scott Thomas Clark. That was because that envelope was turned over to the Commonwealth Attorney (CA) who then never opened the envelope and never looked through its contents, refused to look at the evidence inside, and instead gave the envelope to the court appointed lawyer who did nothing with it, never told the Defendant about possessing the envelope to Martinsville Police until after Defendant had withdrawn appeal. See **EXHIBIT PAGE 212 OF 337**. It said: "Turned over to CA 8/7/2019 1455 hrs.". The Defendant made sure to notify the

Police Chief that evidence was being mailed to them, and yet that was disregarded because of Officer Jones charging Defendant within a few hours or less giving them very little to no time to conduct any real thorough investigation into why a man would be found naked running in the middle of the night until the police were called at around 3 AM. See **EXHIBIT PAGE 211 OF 337**. Defendant had said in his fax: "Very Important Evidence. Please sign for it Chief G.E. Cassady...I am sorry that it is restricted delivery but I wanted to make sure that the evidence was picked up by somebody in your Department."

This had proven that Martinsville Police Department had quickly charged the Defendant with a crime without ever conducting any real or thorough investigation which could have been done easily within a 48-hour period before taking their own jurisdiction away and giving it to the legal system.

Element 1 has been satisfied.

Element 2: The Plaintiffs were ordered three separate times by two Courts in total

(General District Court, Circuit Court) including this Court to have provided

discovery evidence to the Defendant and/or to his court appointed attorney which

includes any recorded statement of the Defendant made to law enforcement

concerning the criminal charge; instead the Plaintiffs' had destroyed the discovery

evidence of the police body-camera footage during the pendency of the criminal

trial proceedings and litigation, then they demand a jury trial despite knowing that

they destroyed evidence favorable to the Defendant in violation of three separate

court orders which is CONTEMPT OF COURT;

Defendant has the evidence, and part of that evidence is already in the records of the Circuit Court and General District Court records transferred to the Circuit Court.

Defendant has the evidence that Martinsville Police Department who is represented by the Commonwealth's Attorney for the City of Martinsville were given three separate Court Orders, by two separate Courts. Two orders from the Circuit Court, and one order from the General District Court, an ORDER for DISCOVERY. Those are Court Orders, and Court Orders have to be followed by all parties including by officers of the Court. If an officer of the Court doesn't comply with a court order or outright resists the Court by refusing to follow an order of a Court, that is CONTEMPT OF COURT. That is basic logic for all attorneys/lawyers to understand. If you refuse to follow an Order of the Court then that is CONTEMPT OF COURT. See how it works.

Plaintiffs City of Martinsville and Commonwealth of Virginia had not complied with those three court orders and had clearly not complied with them while demanding a Jury Trial against the Defendant while refusing to comply with three court orders. It isn't just refusal to following those court orders, it also entails a "spoliation of evidence" by the Plaintiffs. Evidence being destroyed after being subject to both protection during pending litigation and subject to three separate court orders. This is FRAUD ON THE COURT by the Plaintiffs.

See those very Court Orders from the which the record of the Court has three orders. One from the General District Court (See **EXHIBIT PAGE 273-274 OF**337, in **EXHIBIT 22**) and two different court orders from two separate times in the Circuit Court (See **EXHIBIT PAGE 275-280 OF 337**, in **EXHIBIT 22**) as shown in **EXHIBIT 22**.

Here is what the Order from the General District Court says in the citation below as to what part of the court order was not complied with and/or was violated by Plaintiffs of this criminal case.

# CITATION of <u>EXHIBIT PAGE 273-274 OF 337</u> (COURT ORDER #1): <u>ORDER</u>

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

...

(3) Any exculpatory information or evidence as set forth by Brady v. Maryland and its progeny that is known to the Commonwealth.

And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of November, 2018.

Defendant Brian David Hill had verbally told his attorney Scott Albrecht about such existence of the police body-camera footage. That was why Scott Albrecht had filed such a motion requesting for discovery with the following:

### CITATION of <u>Page 28 of GD PAPERWORK</u> (RECORDS FROM GENERL DISTRICT COURT, in this case):

COMES NOW the Defendant, BRIAN DAVID HILL, by Counsel, and moves this Honorable Court for the following, as provided by law and Rule 7C:5 of the Virginia Rules of Court: 1. That in accordance with said Rule, the Commonwealth's Attorney permit and make available to the Attorney for the Defendant for inspection, copying, or photographing any relevant (i) written or recorded statements or confessions made by the accused, or copies thereof, or the substance of any oral statements or confessions made by the accused to any law enforcement officer...

This would cover the police body-camera footage, to a T. This fits the Court Order very closely. Police body-camera footage by definition would be a "recorded statements" since statements made by the Defendant to Officer Robert Jones was recorded by the body-camera on the officer's uniform. Martinsville Police Department either failed to notify the Commonwealth's Attorney of the existence of the police body-cam (body-camera footage) footage, refused to notify the Commonwealth's Attorney of the existence of the police body-cam (body-camera footage) footage, or the Commonwealth's Attorney had known of the existence of this material evidence but refused to follow the General District Court's order.

Here is what the Order from the Circuit Court says in the citation below as to what part of the court order was not complied with and/or was violated by Plaintiffs of this criminal case.

## CITATION of EXHIBIT PAGE 275-277 OF 337 (COURT ORDER #2): ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the

Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to \$ 19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and, breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or control of the Commonwealth.

...

ENTERED this 6th day of February, 2019.

Defendant Brian David Hill had verbally told his attorney Scott Albrecht about such existence of the police body-camera footage. Defendant had already

demonstrated proof that Scott Albrecht was aware of the body-cam footage since long ago in the General District Court, which carried onto the Circuit Court who had jurisdiction over the court orders for discovery, assuming that now only the Circuit Court can enforce the court orders which were violated and/or not complied with by an officer of the court.

Here is what the Order from the Circuit Court says in the citation below as to what part of the court order was not complied with and/or was violated by Plaintiffs of this criminal case.

## CITATION of EXHIBIT PAGE 278-280 OF 337 (COURT ORDER #3): ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the

Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to \$ 19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and, breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or

copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or control of the Commonwealth.

...

ENTERED this 15th day of July, 2019.

Defendant Brian David Hill had verbally told his attorney Scott Albrecht about such existence of the police body-camera footage. Defendant had already demonstrated proof that Scott Albrecht was aware of the body-cam footage in the General District Court, which carried onto the Circuit Court who had jurisdiction over the court orders for discovery, assuming that now only the Circuit Court can enforce the court orders which were violated and/or not complied with by an officer of the court.

### DECLARATION BY BRIAN D. HILL (EXHIBIT PAGES 317-337 OF

337) and attached evidence demonstrates that Attorney Scott Albrecht was either ineffective as assistance of counsel or he colluded with the Commonwealth Attorney to not punish the Commonwealth Attorney for not ever complying with the three court orders for the discovery materials which included recorded statements of Brian David Hill the defendant made to any law enforcement officer, aka Martinsville Police Department which is under the authority and control of the Commonwealth's Attorney who represents Martinsville Police Department, the Commonwealth's Attorney represents the Plaintiffs in this case.

For the sake of brevity Defendant will not reiterate all of the text from the "DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS", EXHIBIT PAGE 317-337 OF 337. Defendant hereby incorporates by reference, as if fully set forth herein, all of the DECLARATION OF BRIAN DAVID HILL (EXHIBIT PAGE 317-337 OF 337) evidence, arguments, and citations.

First of all, Defendant had mailed a written letter (See **EXHIBIT PAGE 235 OF 337**, in **EXHIBIT 15**) and a photocopy of that same written letter to the Chief of Police of Martinsville Police Department, and Defendant's grandparents Kenneth Forinash and Stella Forinash had mailed a typed version of the Defendant's written letter (See **EXHIBIT PAGES 240-242 OF 337**) to the Chief of Police of Martinsville Police Department, all about asking for the police body-camera footage. See **EXHIBIT PAGES 318-320 OF 337**. The Martinsville Police Department was notified multiple times asking for the body-camera footage, and that was without the Defendant or his family even being aware of the Court Order for discovery from the General District Court. Not knowing that the Court had

already ordered such evidence be made available to the Defendant's attorney, letters were written asking the Chief of Police for the very evidence covered by the Courts Orders for discovery, all of them covered the body-camera footage to the letter of the law. Doesn't matter that Defendant was kept in the dark by Scott Albrecht in regard to those exact Court Orders, Brian did write a letter saying that the material he was requesting was "discovery" material, and that is enforceable to the exact letter of the law as to the first Court Order in the General District Court. So, they were made well aware of the body-camera footage.

Attorney Scott Albrecht was also contacted by email messages about issues concerning the police body-camera footage. As to why he never filed any motions for enforcing those Court Orders for discovery, it is beyond me. See **EXHIBIT 19**, **EXHIBIT PAGE 261-263 OF 337**. See **EXHIBIT 20**, **EXHIBIT PAGE 264-269 OF 337**.

It appears that Scott Albrecht had allowed the police body-camera footage to be destroyed and had allowed the Plaintiffs to violate those three court orders asking for discovery or at least not having to comply with those court orders. For him to act like he doesn't have to ask for compelling enforcement, It doesn't matter whether or not those court orders were pushed for by the Public Defender, he is an officer of the court, and an officer of the court is duty-bound as a matter of law, as a matter of ethics and professional conduct, professional responsibility, it is

his job to enforce sanctions or contempt proceedings against an officer of the court who does not comply with a Court Order. There is no point to a Court Order if the party does not have to follow a Court Order. There is no point to a Court Order if the party does not have to comply with a Court Order. Scott Albrecht also took part in the Plaintiffs defrauding the Court, and deceiving the Court by not having to comply with multiple court orders, and then turn around and admit to destroying the police body-camera footage by some lousy excuse of Martinsville Police Department's evidence retention period before evidence can be destroyed by Martinsville Police Department. That is spoliation of evidence during a pending criminal trial proceedings heading for a jury trial. The Plaintiffs destroyed evidence before the jury trial set for December 2, 2019.

Defendant is so upset about the Police getting away with destroying the body-camera footage and his court appointed lawyers doing absolutely nothing to push for sanctions or to push for any contempt charges against the Plaintiffs for violating multiple court orders. He filed a FOIA request more recently (**EXHIBIT PAGES 203-209 OF 337**) asking for records concerning himself as to when the police body-camera footage had been destroyed in 2019 as said by Attorney

Matthew Clark. See **EXHIBIT PAGES 325-330 OF 337**, as to the Declaration under penalty of perjury by the Defendant about the body-camera footage being destroyed in 2019, prior to the Defendant filing a motion to withdraw appeal

because of how lousy and ineffective his appointed counsel was, referring to Matthew Clark who filed no motion for sanctions.

Defendant demonstrates proof of spoliation of evidence. What is the purpose or even the point of the Police Department requiring body-cameras on the uniforms of its own officers but then when the Court orders those to be disclosed to the Defendant's attorney then all of the sudden nothing is being done and then the Police Department destroys the body-camera footage after multiple letters asking for what the Court had already ordered??? (See **EXHIBIT PAGE 246 OF 337**). The article on page 246 said: "Martinsville, VA — The Martinsville Police Department says a small device has been making a big difference in fighting crime... Even on a very routine call, every word spoken and every movement taken will be captured clearly." So, they covered up the body-camera footage and that is a FRAUD ON THE COURT. It is fraud because the Plaintiffs purposefully ignored three court orders while they sat there and filed a motion asking for reciprocal discovery which was granted in the two court orders from the Circuit Court. So, Scott Albrecht had refused to enforce those Court Orders, he refused to do anything favorable on enforcing non-compliance to those Court Orders. He filed multiple motions for discovery and then turned around and acted like the Martinsville Police Department does not have to comply with those Court Orders, and acted like the Martinsville Commonwealth's Attorney Office does not have to

comply with those Court Orders. For arguments sake, if Defendant refused to comply with a Court Order including his bond conditions, he would be arrested and jailed for a capias with additional charges. If he refused to comply with appearing before the Court in a criminal case, he would be arrested and jailed for a capias. Yet the Commonwealth Attorney can defraud the court by ignoring the multiple Court Orders, and destroy the very evidence of what was asked for in those Court Orders. How is any of this not a crime here??? Contempt of Court is a criminal charge, am I right here? Is any of this even considered fraud?

Defendant has proven the element to the most extreme of necessary circumstances to demonstrate that the law is not being followed by the Plaintiffs in this case. If anyone is abusing the Court and fragrantly not complying with Court Orders it is the corrupt Commonwealth Attorney while they were demanding a jury trial to coerce the Defendant to file a motion to withdraw appeal because of his legal counsel was working against him every step of the way, colluding with the Commonwealth Attorney because it IS COLLUSION for the defense attorney to not even fight for his client as an officer of the court and refused to enforce the very Court Orders that officer pushed for. That officer made a monkey out of the Courts, he fooled around with the Courts, sat there and pushed for discovery and did absolutely nothing to enforce any of it. Both the defense attorney and the Plaintiffs attorney aka Glen Andrew Hall, Esq of the Commonwealth's Attorney Office are

officers of the Court. They both defrauded the Court against the wishes of the Defendant. The Defendant wants sanctions against both his court appointed lawyer and the Commonwealth's Attorney for serious misconduct and spoliation of evidence.

<u>Defendant hereby asks the Circuit Court to allow the Defendant to</u>

<u>maintain or assert an adverse inference to the Plaintiffs destruction of the</u>

police body-camera footage.

Proffered adverse Inference: Defendant asserts under adverse inference that the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform. The body-cam footage would have shown footage not favorable to the Martinsville Police Department in how they handled the situation of a person with medical issues including a neurological disability of autism spectrum disorder and Type 1 brittle diabetes. That is what the Defendant is proffering to this Court as a fact of an adverse inference. Defendant is entitled to an adverse inference when

the Plaintiffs had not complied with three court orders for discovery evidence materials and had destroyed evidence subject to those three court orders.

Element 2 has been satisfied.

Element 3: Plaintiffs had prosecuted the case without fully having the probable cause necessary to sustain a charge and obtain a criminal conviction, meaning that they had charged Defendant with: "intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present." The elements which the Plaintiffs had lacked when Robert Jones had charged Defendant was (1) "was medically and psychologically cleared.", (2)

Defendant had "intentionally make an obscene display" (Obscenity element), and (3) Intent itself.

This is all true and can be proven as true. <u>Element 1</u>, <u>Element 2</u>, <u>Element 4</u>, <u>Element 5</u>, and <u>Element 6</u> all work together with the referenced evidence (proofs) and arguments to demonstrate that the Plaintiffs' case was not backed by the necessary Probable Cause needed to sustain a criminal conviction or even to push a jury trial.

For the sake of brevity, Defendant will not reiterate all of the text from every other element regarding the evidence and arguments referenced and cited from all other elements. Defendant hereby incorporates by reference, as if fully set forth herein, all of the <u>Element 1</u>, <u>Element 2</u>, <u>Element 4</u>, <u>Element 5</u>, and <u>Element 6</u> evidence, arguments, and citations.

Defendant also has evidence of fraud regarding Officer Robert Jones. The corrupt Federal Judge Thomas David Schroeder (who may or may not be blackmailed by the U.S. Government, that eventually may be proven) has covered up the statements of Officer Robert Jones saying under penalty of perjury at the federal court hearing on September 12, 2019, that the Defendant was not being obscene. Yes, the very officer who had charged the Defendant with "intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present" (See **EXHIBIT PAGE 2 OF 337**), that same officer admitted under oath in Federal Court that Defendant was not being obscene when Attorney Renorda Pryor had asked the question whether the Defendant was being obscene, and the officer said in response that the Defendant had not. Yeah, the officer is not a lawyer per se, but he charged the Defendant with obscenity, and yet admitted later that Defendant had not been obscene. The corrupt and likely blackmailed Federal Judge had omitted or had caused the omission of such statements from the official Court Transcript, but witnesses which were present at that same federal hearing had typed affidavits or declarations and signed declarations (which are the same as affidavits except not being notarized) stating that they all heard Officer Jones saying under oath that Brian David Hill was not being obscene at the time of the alleged offense, and that means the entire basis in the ARREST WARRANT was fraudulent.

This Court can also subpoen Officer Robert Jones to ask him under oath in its own courtroom the very question asked to Robert Jones and his answer as to whether Brian Hill was being obscene or not. That question will determine whether the ARREST WARRANT's original basis of "intentionally make a obscene display" was filed in good faith and whether that basis was a lie from the very beginning or not. When a charging Officer admits that the Defendant was not being obscene, when that same officer charged the Defendant of making an obscene display, then that itself is a FRAUD UPON THE COURT as to a fraudulent basis for the arrest of Brian David Hill.

See the EVIDENCE OF FEDERAL COURT DECLARATIONS UNDER PENALY OF PERJURY IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS, Evidence\_Declaration-1-26-2023.pdf.

Read the Declaration of Roberta Hill regarding her personally hearing

Officer Robert Jones saying under oath that Brian David Hill had not been obscene.

See **EVIDENCE ATTACHMENT PAGE 6-7 OF 22**. Roberta said in writing under oath: "I remember hearing the attorney Ms. Pryor ask officer Jones if Brian

Hill was being obscene on the night of September 21st and he replied that he wasn't obscene."

Read the Declaration of Brian Hill regarding him personally hearing Officer Robert Jones saying under oath that Brian David Hill had not been obscene. See **EVIDENCE ATTACHMENT PAGE 9-13 OF 22**. Brian Hill said in writing under oath: "The last thing I remembered with my own eyes and ears from the hearing, I was right beside Renorda Pryor at the defense table, and she clearly asked the Government's witness "Robert Jones" about if I was being obscene at the time and the witness responding by saying no or I don't think he was. I thought that was really important as I knew that was said verbally at that hearing and I know Renorda had brought up that question."

Read the Declaration of Stella Forinash regarding her personally hearing

Officer Robert Jones saying under oath that Brian David Hill had not been obscene.

See **EVIDENCE ATTACHMENT PAGE 15-17 OF 22**. Stella said in writing under oath: "Attorney Pryor asked Sgt. Jones if Brian was being obscene. His answer was "No". Attorney Pryor asked Sgt. Jones what was in the backpack, and his answer was something like "camera, watch & his clothes". We talked about this on the way home that day, and after we got home, I took notes and sent my notes in PDF format to one of our friends in email on 9/14/2019. We think it's important to

have everything that is in the transcript, and so we paid \$388 to get an accurate copy as soon as possible. This copy was sent to our daughter's email."

Read the Declaration of Kenneth Forinash regarding him personally hearing

Officer Robert Jones saying under oath that Brian David Hill had not been obscene.

See **EVIDENCE ATTACHMENT PAGE 21-22 OF 22**. Kenneth said in writing under oath: "Brian's attorney, Renorda Pryor, asked Officer Robert Jones if Brian was obscene, and his answer was that he was not."

Four different people heard the Officer Robert Jones being questioned by Attorney Renorda Pryor at the hearing say that the Defendant had not been obscene.

This Court can verify this claim by compelling Officer Robert Jones to answer an interrogatory under penalty of perjury, or answer a deposition under penalty of perjury, or be compelled to appear before the Court under oath to answer the question of whether Brian David Hill had been obscene when he was found naked by Officer Robert Jones on September 21, 2018. Hopefully this Officer admits the truth as what he said at the federal court hearing. Defendant hopes that the Officer is truthful so that this entire case can finally be resolved once and for all.

This same officer pushed for the arrest of Brian David Hill on September 21, 2018 (**EXHIBIT PAGE 2-4 OF 337**), claiming under oath that the Defendant was medically and psychologically cleared. That was not true either as evidenced in **Element 5**, and **Element 6**. Defendant was not medically cleared. Defendant had not

been properly discharged from the hospital as it was clearly neglect, because the hospital was negligent. Defendant had tried to find an attorney in 2019 to file a lawsuit against Sovah Health Martinsville over medical neglect but was busy fighting the indecent exposure charge and busy fighting the supervised release violation charge, and fighting to not have to go to federal prison, all at the same time. When Defendant did contact a lawyer office to sue the hospital, that lawyer office never contacted him back after doing a conflict-of-interest check. So even if the Defendant had a lot of time in 2019, he couldn't find a pro bono lawyer and couldn't find a lawyer who will not charge Defendant unless he wins the case. They don't even have the time to sit there and look through a pile of papers without it costing them money, time is money in the world of lawyers. Defendant wanted to sue the hospital to prove to the Circuit Court that he was not medically and psychologically cleared due to negligence. Defendant had already proven the hospital didn't clear him properly when comparing the medical records of Sunday, November 19, 2017 (EXHIBIT PAGE 282-311 OF 337) and the medical records on Friday, September 21,2018 (EXHIBIT PAGE 254-260 OF 337). See the difference between the two medical records on those separate times, It is clear as night and day. The lab work was not done in 2018 hospital visit, but lab work was done in 2017 hospital visit. There is evidence this is clear negligence. It doesn't matter that Defendant was already in the police custody when he was transported

to the Emergency Room, they already had the blood sample or samples of the Defendant, lab tests were already ordered, and then they sat there and deleted them from the chart, and acted like they had no responsibility to conduct the laboratory tests and then put the blame on the police, while Officer Robert Jones said under oath in federal court that "they do lab work and other stuff", with a straight face, as if the police want to blame the hospital if they didn't do the lab work while the hospital put the blame on the police, the blame game here. This is a mind game being played on Defendant depriving him of his right to due process of law. They are playing with Defendant's life, got him wrongfully convicted because of their negligence. Games are being played here by both the police and the hospital. There is clear corruption and fraud here. THAT IS A FACT. Defendant was not medically and psychologically cleared on September 21, 2018, that was a big fat lie.

Defendant was not medically cleared as assumed, Officer Robert Jones assumed lab work was done but didn't check for the lab work, and didn't know that it was deleted from the chart while he stated under oath in the CRIMINAL COMPLAINT that Defendant was medically and psychologically cleared. Plaintiffs either lied or had a disregard for the truth, it is factual fraud on its face with the medical records at hand. You can't just assume something under penalty of perjury when you are an officer charging a person with a crime, and having

them thrown in jail. You cannot make assumptions under oath, it needs to be proven facts, straight up facts. You can ruin somebodies' life especially an innocent man's life by not making sure the facts you allege in an arrest warrant are true. If they are not true then it was a wrongful arrest, under false facts or false pretenses. That is a crime itself, it is FRAUD, FRAUD, FRAUD. It is fraudulent. Any layman or average citizen can understand what fraud is if they have at least been to college or have gone to law school or ever became like an investigator or private detective. This is fraud on its face.

Anyways, I shall file as evidence a printed copy of the very State Bar rule which Glen Andrew Hall, Esquire had violated in addition to not complying with Court Orders. See Rule 3.8 of the Professional Guidelines and Rules of Conduct, Virginia State Bar.

## CITATION of <u>EXHIBIT PAGE 217-221 OF 337</u> (Rule 3.8, Virginia State Bar):

#### Additional Responsibilities Of A Prosecutor

A lawyer engaged in a prosecutorial function shall:

- (a) not file or maintain a charge that the prosecutor knows is not supported by probable cause;
  - (b) not knowingly take advantage of an unrepresented defendant;
- (c) not instruct or encourage a person to withhold information from the defense after a party has been charged with an offense;
- (d) make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, of the existence of evidence which the prosecutor knows tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the

punishment, except when disclosure is precluded or modified by order of a court; and

(e) not direct or encourage investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case to make an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6.

The prosecutor Glen Andrew Hall, Esquire had violated Virginia's State Bar rule 3.8, Additional Responsibilities Of A Prosecutor. The destruction of evidence which was subject to three court orders before the destruction of that very evidence, it is illegal evidence destruction, it is spoliation of evidence.

What probable cause exists to sustain a criminal conviction or even waste a Court's time with a trial by jury when the prosecutor who pushed all of this had permitted or maybe even encouraged the destruction of evidence (body-camera footage), charged the Defendant with making an obscene display then later admit that the Defendant was not being obscene, and had wrongly assumed that the Defendant was medically cleared when evidence shows that he was not. The very officer who said Defendant was medically cleared answered under penalty of perjury in federal court that the hospital did "lab work and other stuff" not even knowing that the lab work was ordered and then was deleted from the chart, no lab work was completed, no lab work was done in the medical records, it was deleted from the chart, while the very officer who charged the Defendant said: "they did lab work and other stuff". This is proof of FRAUD; Glen Andrew Hall defrauded the

Court and prosecuted a case which was not backed by the very probable cause necessary to even try to sustain a criminal conviction. They have to be truthful about every material element of the prosecution. If a material element is not true, then there was no probable cause because a criminal conviction cannot ever be sustained as a matter of law. Either the Commonwealth proves every material element of an offense or the very Defendant should be subject to acquittal or motion to strike. That is a matter of Constitutional law in the Commonwealth of Virginia.

Element 3 has been satisfied.

# Element 4: The Police officer Robert Jones of Martinsville Police Department had charged him so quickly that it gave him and the Commonwealth Attorney the excuse to ignore evidence and refuse to conduct any further investigation into why Defendant was naked in the middle of the night;

This was also explained in <u>Element 1</u>, for the sake of brevity, Defendant will not reiterate all of the text regarding the evidence and arguments referenced and cited from that specific element. Defendant hereby incorporates by reference, as if fully set forth herein, all of the <u>Element 1</u> evidence, arguments, and citations.

Defendant had tried to submit evidence to the Martinsville Police Department in 2019 after his release from the jails on both State Court bond conditions and Federal Court bond conditions, the return receipt to restricted delivery certified mail envelope was signed by former corrupt Police Chief G. E Cassady. See **EXHIBIT**PAGE 211 OF 337, with the fax which was faxed to Martinsville Police to pick up

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the envelope with evidence. After it was signed for by former Police Chief G. E. Cassady, the envelope was never opened and the evidence was never looked at or investigated. See **EXHIBIT PAGE 214-215 OF 337**. The evidence the envelope was never opened is in photograph on **EXHIBIT PAGE 213 OF 337**. Defendant still has this envelope, still sealed, and not messed with. Defendant has this envelope, sealed envelope full of evidence mailed to Martinsville Police Department, and is willing to turn over this envelope to the Circuit Court and to the Commonwealth Attorney for examination, authentication, and to make copies of it as part of the discovery process. Defendant will not cover up evidence, unlike the corrupt Commonwealth Attorney who covers up evidence.

Defendant was given the envelope of evidence from Attorney Matthew Scott Thomas Clark. That was because that envelope was turned over to the Commonwealth Attorney (CA) who then never opened the envelope and never looked through its contents, refused to look at the evidence inside, and instead gave the envelope to the court appointed lawyer who did nothing with it, never told the Defendant about possessing the envelope to Martinsville Police, never gave Defendant back his mailed envelope until after Defendant had withdrawn appeal. See **EXHIBIT PAGE 212 OF 337**. It said: "Turned over to CA 8/7/2019 1455 hrs.". The Defendant made sure to notify the Police Chief that evidence was being mailed to them, and yet that was disregarded because of Officer Jones charging

Defendant in 2018 within a few hours or less giving them very little to no time to conduct any real thorough investigation into why a man would be found naked running in the middle of the night until the police were called at around 3 AM. See **EXHIBIT PAGE 211 OF 337**. Defendant had said in his fax: "Very Important Evidence. Please sign for it Chief G.E. Cassady...I am sorry that it is restricted delivery but I wanted to make sure that the evidence was picked up by somebody in your Department."

They ignored everything, they ignored the threatening greeting card Roberta Hill had received, the police ignored the threatening emails and threatening text message Brian Hill had received prior to 2018. The Defendant did have proof.

When he found out about the carbon monoxide, that evidence was ignored by Martinsville Police. Evidence gets ignored after the Defendant was charged with a crime. They charged him way too quickly without conducting a thorough investigation.

Element 4 has been satisfied.

Element 5: The Police officer Robert Jones of Martinsville Police Department had made statements under oath in Federal Court as to the arrest of Brian David Hill on September 21, 2018, as to him being medically cleared but then the statements start coming out which draw the entire arrest into question that certain elements were not proven and thus the probable cause did not exist for every element of the charged offense.

This was all explained in <u>Element 6</u>, for the sake of brevity, Defendant will not reiterate all of the text regarding the evidence and arguments referenced and cited from that specific element. Defendant hereby incorporates by reference, as if fully set forth herein, all of the <u>Element 6</u> evidence, arguments, and citations.

Other than what was already explained in <u>Element 6</u>, Defendant had proven that he was not medically and psychologically cleared.

However, Defendant has something to argue additionally to the "incorporates by reference" to Element 6.

Prior to the passage of Virginia law § 19.2-271.6. "Evidence of defendant's mental condition admissible; notice to Commonwealth" in the year of 2021, A Circuit Court was legally allowed to ignore all evidence of a criminal defendant's "autism spectrum disorder", "obsessive compulsive disorder", and any other mental health disorder or neurological brain issues. Now the Circuit Court in this case cannot ignore these issues. The passage of Virginia law § 19.2-271.6 nullifies the Commonwealth's Supreme Court's previous holding of Stamper v.

Commonwealth, 228 Va. 707, 717 (1985). Now this Court and even as far as the Supreme Court of Virginia must make new holdings regarding the evidence of Mens Rea "Intent" element of a charged crime for those whom can prove the criminal defendant had autism spectrum disorder and other serious neurological brain issues or mental health issues. Now autism is admissible to this Court, it is

admissible under the general rules of evidence. See Virginia Code § 19.2-271.6(B)(ii) ("...is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.").

The Officer Robert Jones had given the impression that Defendant was medically and psychologically cleared, but that was not true. Not even psychologically cleared because around that time the only criteria to have not cleared the Defendant was if Defendant had spoken about killing himself or harming himself or killing somebody else or harming somebody else, or if he had spoken of seeing things or hearing things that other people do not see. Unless the Defendant said he wanted to harm or kill somebody or had said he had seen things or heard things that other people do not see while he was out there naked, he would have been treated as if he were cleared from a psychological standpoint but that is not true because the Defendant does have a permanent neurological illness or defect. This cannot be ignored by this Court any longer due to Virginia Code § 19.2-271.6(B) and its subparagraph (ii).

Before I get to the proof of Defendant's autism on record, Defendant did have something which the hospital could have used to have committed/admitted the Defendant to the mental impatient unit from the psychological perspective. Defendant could have been admitted to the hospital if he had said he had seen things or heard things that other people did not see. The Officer Robert Jones didn't do a thorough investigation and the investigation was probably less than two hours if even two hours. See Element 1. Let's say arguably in favor of the Commonwealth that Robert Jones did try to find the man in the hoodie which Defendant spoke of, even though it isn't true because Defendant was charged quickly, let's say Jones took a lot of hours to look for the "man in the hoodie" (See the statements about the "man in the hoodie" from Robert Jones himself, see EXHIBIT PAGE 4 OF 337, see EXHIBIT PAGE 37-38 OF 337), and still couldn't find the man in the hoodie, then it may have been a sign of mental illness or a hallucination warranting that the hospital had prematurely released the Defendant to Police/Jail and thus Defendant was not truly medically and psychologically cleared as previous assumed by Officer Jones represented by the Plaintiffs through the Commonwealth Attorney. The Defendant had made statements which does sound either paranoid or sounds like he saw things that other people did not see. Let me bring some proof to this Court for its review.

CITATION of EXHIBIT PAGE 38 OF 337 (Redirect -- Sgt. Jones):

Q And did he tell you any other information about the male in the hoodie?

A He proceeded to explain to me that during this time frame, during questioning him and trying to get some more information about that -- he provided more information as to that male subject with the hoodie was working for the people that were -- that had originally been in his original charges.

Q Okay. And did you investigate whether he -- whether there was some threat to his family or anything?

A Talking with him, the time frame didn't really add up to me at that point. We made contact with his -- tried to make contact with his mother that night. I don't know if anybody actually spoke to her. I don't recall.

Sounds like Martinsville Police Department covered their own butts in doing a crappy job (pardon my French your honor) aka a terrible job as an investigator. He should be fired right now for doing a terrible investigative job. They don't even know if a police officer spoke with the Defendant's mother about the Defendant's claims. That right there further proves the claims made in Element 1. Sounds like this officer didn't investigate nothing, meaning he didn't investigate anything.

Again, arguing in favor of the Commonwealth's fraudulent case, let's say theoretically Officer Jones did search all day and night for a guy in a hoodie to try to confirm the Defendant's claims and story, and found nothing, then either the Defendant was wrong, was lying, or was crazy. Maybe he saw a hallucination or saw something that other people did not see. He should have been hospitalized, it is clear that the police wanted the Defendant jailed as soon as possible to cover their

butts on their investigative failures and mistakes. When the police screw up and made professional errors or mistakes, they blame the suspect for their problems.

The Defendant had filed a written letter with the U.S. District Court which had indicated paranoia or seeing things that other people could not see, an indication that Defendant was not psychologically cleared as previously assumed by Robert Jones. See the proof:

#### CITATION of EXHIBIT PAGE 172 OF 337 (STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018, EXHIBIT 7):

(2.)ON SEPTEMBER 18th, 2018, Somebody was in the thicket at the end of my neighbor's property and branches moved whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4PM. That was a tuesday. Likely surveiling me.

It is clear that the Defendant was not psychologically cleared either when he makes statements not many days after being thrown in jail, that he thought somebody was watching him or surveilling him. Again, with no proof, he thinks somebody was spying on him days before he is found naked at nighttime with no medical supplies, no soda cans, no glucose tablets, no diabetic insulin pens of any kind, no long-acting insulin, no cell phone, no blood glucose monitor, and the defendant was just found with a backpack with not even much things in his backpack. Doesn't sound like somebody thinking correctly, doesn't sound like somebody in his right state of mind. Arguably, People who are truly mentally ill will not admit to being mentally ill. People with brain problems will not admit to Page **55** of **107** 

having brain problems. The defendant should have been involuntarily committed to the hospital that night instead of being released to "Police/Jail without any laboratory testing to confirm whether he was on something like a narcotic or not or anything. He had Tachycardia for God's sake, meaning a resting blood pulse of over 100 multiple times. Tachycardia times two. See **EXHIBIT PAGE 258 OF** 337.

## CITATION of <u>EXHIBIT PAGE 258 OF 337</u> (MEDICAL RECORDS September 21, 2018, <u>EXHIBIT 18</u>):

Vital Signs:

09/21

04:09 BP 124 / 86; Pulse 119; Resp 19; Temp 98; Pulse Ox 98% Weight 99.79 jt kg; Height 6 ft. 0 in. (182.88 cm); Pain 0/10;

09/21

05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99% Pain 0/10; jt

That is evidence of tachycardia from his medical records, two different times, this may be worse than his hospital visit on Sunday, November 19, 2017. See **EXHIBIT PAGE 285 OF 337**. Citing: "09:08 BP 131 / 76; Pulse 118; Resp 20; Temp 98.2; Pulse Ox 97%..." and his resting blood pulse went down afterwards to 93 at around 10:59 then 97 on 12:57 military time. His tachycardia had been worse on the day he was arrested for indecent exposure and the hospital refused to even find out why he had tachycardia worse than his last hospital visit the year prior. He was wrongfully discharged from the hospital; he was erroneously discharged from

the hospital. Proof to this Circuit Court that Defendant Brian David Hill was not medically cleared and was not psychologically cleared.

Anyways, here is the proof of Defendant's autism which had been around since the Defendant was a little boy, a toddler, that he had always had autism spectrum disorder since he was very young. Read the Autism TEACCH papers from the University of North Carolina to understand the neurological health issues of the criminal Defendant in this case. See **EXHIBIT 11**'s **EXHIBIT PAGES 196-201 OF 337**.

There is also an issue of fraud on the court regarding the mental evaluation of Brian David Hill by Dr. Rebecca K. Loehrer or Loehner. This fraud also involves collusion of Attorney Scott Albrecht who was a Public Defender in the City of Martinsville. He is part of this fraud and I am going to explain why. See the filed: "(SEALED) EVALUATION REPORT - PSYCHOLOGICAL EVAL-GDC", in the General District Court paperwork filed on January 9, 2019. When she evaluated Defendant, the evaluation report was due November 26, 2018 by 5:00PM, as ordered by the Court. See the "ORDER FOR PSYCHOLOGICAL EVALUATION" filed in the General District Court paperwork.

There was a separate mental health diagnosis by a forensic psychiatrist named Dr. Conrad Daum, who worked for Piedmont Community Service in Martinsville, Virginia. He also heard the Defendant's story about a man in a hoodie

and about court officials working against him in federal court, and Dr. Daum's prognosis was that the Defendant had exhibited a "PSYCHOSIS". Psychosis is a mental health issue but was not known to Dr. Rebecca K. Loehrer or Loehner during the time of her report and evaluation. The diagnosis from Dr. Daum came in around October 24, 2018.

See the filing EXHIBIT PAGES 141-146 OF 164 in EXHIBIT 12 for EVIDENCE FOR MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE. Check with the Clerk for that filing made last year, filed January 20, 2022 by Clerk.

So, Dr. Conrad Daum had diagnosed Defendant as having a psychosis after Defendant directly made statements about the "guy in hodie threatened to kill my mother if I didn't do what he said" in the "Chief Complaint: Notes:" by Dr. Conrad Daum, the forensic psychiatrist. He probably meant hoodie not "hodie". So that

evaluation was directly material evidence to the charge on September 21, 2018, and yet the mental evaluator ordered by the General District Court to conduct the evaluation knew nothing about Dr. Conrad Daum's diagnosis, I mean come on he is a forensic psychiatrist, qualified under the rules of evidence.

Anyways, Public Defender Scott Albrecht was an officer of the Court, and he needs to answer for if he was aware of the mental evaluation by Piedmont Community Services. Only he knows the answers to his own mistakes as an officer of the court at the time. Attorney Scott Albrecht didn't appear to have filed any written motion asking for a mental evaluation at the time in 2018, so it must have been a direct oral motion which would be a verbal motion to the judge or a motion not in the record of the General District Court See the record where the judge checked: "It appearing to the Court, on motion of [CHECK MARK] defendant's attorney". He was ordered by the court to do the following as an officer of the court by the General District Court as this was filed on October 17, 2018, check with the Clerk for this court record:

## <u>CITATION of COURT FILING: "ADDITIONAL INSTRUCTIONS TO EVALUATOR(S) AND ATTORNEYS", filed 10/17/2018 and signed by the judge:</u>

The defendant's attorney must provide any available psychiatric records and other information that are deemed relevant within 96 hours of the issuance of this order. Va. Code \$ 19.2-169.1(C).

. . .

- 2. Sanity at the Time of the Offense: Prior to an evaluation of sanity at the time of the offense, the party making the motion for the evaluation must forward to the evaluator(s)
  - a. a copy of the warrant;
- b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
- c... information about the alleged crime, including statements by the defendant made to the police and
  - "transcripts of preliminary hearings, if any;
  - d. a summary of the reasons for the evaluation request;
- e. any available psychiatric, psychological, medical or social records that are deemed relevant; and
  - f. a copy of defendant's criminal record, to the extent reasonably available. Va. Code \$ 19.2-169.5(C).

Why did Scott Albrecht not notify the evaluator or the Court about the psychiatric diagnosis of "psychosis" of Brian David Hill when he made statements about "guy in hodie threatened to kill my mother if I didn't do what he said". This should have been made known to the evaluator by Scott Albrecht. He failed to do his job as an officer of the Court. Not only did the local hospital not admit the Defendant when he made crazy sounding statements, but Dr. Conrad Daum's diagnosis on October 24, 2018 was never made known to the mental evaluator. That would have been important when making a determination on competency and sanity at the time of the alleged offense charge.

It is fully clear that Officer Robert Jones had lied or made a false material fact and false statement under oath or affirmation in the CRIMINAL COMPLAINT (EXHIBIT PAGE 4 OF 337) when he claimed as a material fact in the material element of his charge: "He was medically and psychologically cleared." This is clearly a material element of the criminal charge since it is in the CRIMINAL COMPLAINT which is the basis for the whole charge, was a basis for the Bench Trial in the General District Court, and was a basis for the Jury Trial in this Circuit Court. The entire statement by Officer Robert Jones, sworn as under oath as to being a true and accurate fact. It is not a true and accurate fact. That is wrong or was a lie, or was a blatant disregard for the truth. He never conducted any real thorough investigation, he just charged the Defendant quickly and dropped any further investigation, and just left it up to the lawyers such as the Plaintiffs aka the Commonwealth Attorney for the City of Martinsville.

Element 5 has been satisfied.

Element 6: The Defendant has clear and convincing prima facie evidence that he was

NOT medically and psychologically cleared as assumed by Plaintiffs when that is

one of the required elements of the charged crime as the CRIMINAL

COMPLAINT has that element in the affidavit saying: "He was medically and

psychologically cleared."

The Defendant has clear and convincing evidence, prima facie evidence which demonstrates that he was not "medically and psychologically cleared." At the time of his arrest and detainment around a creek.

It is a material element to the criminal offense which covers both the obscenity element and the intent element.

The reason why is that, if that element was not considered important and was not considered essential to the charged crime, then why would the police officer take the time to type in the CRIMINAL COMPLAINT (**EXHIBIT PAGE 4 OF**337) the very following: "He was medically and psychologically cleared"???

Let us examine why this material element is extremely important in a criminal charge. It isn't just a material element, but it is an essential element to a charge, and may be just as essential as Mens Rea if not more essential than the same.

See <a href="https://sullivanlegal.us/rethinking-medical-clearance/">https://sullivanlegal.us/rethinking-medical-clearance/</a> (Disclaimer: Link and information/research provided by Brian's family) Rethinking Medical Clearance by William P. Sullivan, Attorney At Law ("Consider What Is Meant By "Medical Clearance" We should consider the importance and meaning of writing "medically cleared" on any discharge form, whether it is for psychiatric patients, for incarcerated patients, or for a work release. To a layperson, the term "medically cleared" may mean that the patient has no medical problems and no potential to get

worse. To a medical provider, the term "medically cleared" may mean something entirely different. Rather than using the blanket statement that a patient is "medically cleared," which can be subject to interpretation; we could make the limitations of an evaluation in the emergency department more evident... In one case, I was told by the administrator at a psychiatric facility that my patient would not be accepted in transfer unless the chart specifically stated that the patient was "medically cleared.""). See <a href="https://www.lawinsider.com/dictionary/medically-cleared">https://www.lawinsider.com/dictionary/medically-cleared</a> (Disclaimer: Link and information/research provided by Brian's family) ("Medically cleared means a determination made within 24 hours prior to admission by the medical director that an individual is physically capable of participating in facility activities and programming and not at risk of medical complications that would be unmanageable by the facility.")

Let us see from the Transcript in federal court what Officer Robert Jones thought of what being medically cleared is?

#### CITATION of EXHIBIT PAGE 40 OF 337 (Redirect -- Sgt. Jones):

Q Do you recall any tests that were taken that night besides just checking, I believe you said, his knee?

A No, ma'am. Like I said, when we -- we also checked him for mental health issues is the reason why they cleared him psychologically, to make sure there was nothing going on there.

Once they do that, they do lab work and other stuff. I didn't ask about his medical history.

Q Was there any tests dealing with his blood alcohol content or anything of that nature?

A I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that.

Answers by Officer Jones are in the A column and the questions from Attorney Renorda Pryor are in the Q column.

Wait a minute, Officer Jones thought the hospital was conducting lab work. Officer Jones said: "they do lab work and other stuff." So according to his legal definition of being medically cleared when he said so under penalty of perjury, he said that the hospital does "lab work and other stuff". He also said: "They normally do, but I do not have that." Renorda the attorney asked him: "Was there any tests dealing with his blood alcohol content or anything of that nature?" and again the officer said: "I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that." He said under oath in his own knowledge and expertise that Defendant was "medically and psychologically cleared", said so under penalty of perjury, under oath or affirmation in the CRIMINAL COMPLAINT (EXHIBIT PAGE 4 OF 337) and ARREST WARRANT (EXHIBIT PAGE 2 OF 337). Defendant shall prove that Officer Jones was lying, was wrong, or had a blatant disregard for the truth.

Officer Jones was wrong about multiple aspects when he claimed Brian David Hill was "medically and psychologically cleared".

The so-called "lab work and other stuff", it got DELETED FROM THE CHART aka covered up on record, cannot be disputed as it is fact and can be authenticated by the Commonwealth's Attorney. See **EXHIBIT PAGE 260 OF**337.

#### CITATION of EXHIBIT PAGE 260 OF 337 (Medical record):

Ramey, Nicole nmr

Bouldin, Lauren, RN RN lb1

Reynolds, Daniel R RN dr

Corrections: (The following items were deleted from the chart)

09/21

04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS

09/21

04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS

09/21

04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS

09/21

04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS

09/21

04:50 09/2104:16 STAT OVERDOSE PANEL+LAB ordered. EDMS 09/21

04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression:

Abrasion, right knee; Abrasion of unspecified front wall of thorax.

Condition is Stable. Discharge Instructions: Medication

Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:

Further diagnostic work-up, Recheck today's complaints, Continuance

of care. Follow up: Emergency Department; When: As needed; Reason:

Fever> 102 F, Trouble breathing, Worsening of condition. Problem is new. Symptoms have improved. bdh

09/21

04:54 09/21 04:16 URINALYSIS W/REFLEX TO CULTURE+LAB ordered. EDMS

Officer Robert Jones didn't know that now, did he??? He thought they did lab work and other stuff, but they didn't. He was too ignorant to even understand what was going on. He quickly arrested Defendant without even investigating any of this. See Element 1 and Element 4 of the STATEMENT OF THE FACTS.

Here is what Officer Jones refused to investigate, failed to investigate, and could have discovered if he had conducted a thorough investigation.

Was Brian David Hill under intoxication at the time he was detained or arrested??? Or was Brian David Hill more slightly out of intoxication but was still intoxicated enough which obscenity and intent could not be possible??? Was Brian David Hill involuntarily intoxicated at the time of the charged offense???

Those theories can never be disproven by the Plaintiffs by and through the Commonwealth's Attorney because the lab results "were deleted from the chart", again see **EXHIBIT PAGE 260 OF 337**. Officer Jones charged Defendant very quickly, way too quickly, and didn't seem to be demonstrating that there was any thorough investigation at all. It was a farce. The Officer didn't investigate anything except just quickly charge Defendant and walk away, to let the Commonwealth's Attorney prosecute his way to victory. However, the evidence being submitted by

the Defendant demonstrates that the essential element of being medically and psychologically cleared was disproven.

Officer Jones didn't know that when he detained the Defendant, the Defendant was asked questions about why he was out there naked while he was **dehydrated** before he was transported to the Emergency Room at the Sovah Health Martinsville hospital. Of course, the medical records will not show proof of this because this was a rush job to just slam Defendant into the slammer aka the jails of the criminal justice system, but the BILLING RECORDS do prove this. It proved that the hospital had failed to conduct the necessary lab tests and didn't even report in the medical records that he had dehydration while the billing record reports things which do support the claim of Defendant being dehydrated. See **EXHIBIT PAGE 87 OF 337** which is **EXHIBIT 3**. There they are, the BILLING RECORDS dated September 21, 2018, the date of Defendant's arrest and supposed medical clearing. Billing records can in many cases be more thorough than medical records, because hospitals have to make a profit or they go bankrupt. When any type of medical equipment, any human service, any materials and medical applicators, anything which costs them money must be documented in the medical bills, every single procedure and every single item used by the hospital when conducting a medical treatment and examination has to be accounted for when it comes to financial medical expenses. Let us take a look.

#### CITATION of EXHIBIT PAGE 88 OF 337 (BILLING RECORD):

258-IV SOLUTIONS

092118 21B597 0715 170363 J7030 1 IV NACL .9% 1000ML 157.00

SUBTOTAL: 157.00

260-IV THERAPY

092118 23B781 0780 800397 963 60 1 IV HYDRATION 1ST HR 585.00

SUBTOTAL: 585.00

. . .

270-MED SURG SUPPLY

•••

092118 22B696 0718 232295 1 TUBING HEPLOCK 32. 00

092118 22B696 0718 230633 1 CATH IV 66.00

092118 22B696 0718 232137 1 TUBING SECONDARY 21.00

So according to those two entries, Defendant must have been in such bad shape regarding such a need for not just only hydration fluids but also an electrolyte. Can this Court guess which electrolyte Defendant needed and I'm not talking about Gatorade or Powerade??? Yes, I'm talking about NACL .9% 1000ML. What is NACL??? Let us check with the U.S. Government source. (Disclaimer: link and information/research provided by family) https://dailymed.nlm.nih.gov/dailymed/fda/fdaDrugXsl.cfm?setid=51da05ce-e3c4-4ef5-a845-dc869152e17f SODIUM CHLORIDE - sodium chloride injection, solution. ("3% Sodium Chloride Injection, USP is a sterile, nonpyrogenic, hypertonic solution for fluid and electrolyte replenishment in single dose containers for intravenous administration. The pH may have been adjusted with hydrochloric acid. It contains no antimicrobial agents. Composition, ionic concentration,

osmolarity, and pH are shown in Table 1... Sodium Chloride, USP (NaCl)"). See **EXHIBIT PAGES 97-103 OF 337**. Another government report about NACL aka sodium chloride. See <a href="https://pubchem.ncbi.nlm.nih.gov/compound/Sodium-chloride">https://pubchem.ncbi.nlm.nih.gov/compound/Sodium-chloride</a> (Disclaimer: link and information/research provided by family) **EXHIBIT PAGES**104 OF 337. "Molecular Formula NaCl or ClNa". Then there is Wikipedia,

EXHIBIT PAGE 159 OF 337. Shall I go on??? Probably go onto the next issue in this motion for the sake of brevity.

How would the electrolytes and hydration be pumped into the body of Defendant when he was at the hospital the first hour, it would be through CATH IV and TUBING. See **EXHIBIT PAGE 93 OF 337**. Hospitals normally use a peripheral venous catheter, and tubing to the device, as well as bag to add anything they want to it such as medicines, fluids, and even blood transfusions. **EXHIBIT 4** says and I quote: "NIH NATIONAL CANCER INSTITUTE", "peripheral venous catheter (peh-RIH-feh-rul VEE-nus KA-theh-ter) A device used to draw blood and give treatments, including intravenous fluids, drugs, or blood transfusions. A thin, flexible tube is inserted into a vein, usually in the back of the hand, the lower part of the arm, or the foot. A needle is inserted into a port to draw blood or give fluids." This proves that blood was drawn from Defendant at the hospital, then the laboratory tests, blood work or lab work was ordered, but then was deleted from the chart.

Anyways, so Defendant was dehydrated. When Defendant is out on a walking trail for hours and moving down a walking trail for hours, the police found no hydration bottles aka no water bottles and no sodas or anything to hydrate on Defendant when he was arrested. Then after he is in the hospital, he is hydrated by IV fluids and is given an electrolyte. That does prove to this Court that Defendant must have been DEHYDRATED when he was arrested and questioned over his charge of indecent exposure. See the term: "delirium", see **EXHIBIT PAGE 95**OF 337. Printed by Defendant's family from this source, FROM THE GOVERNMENT, HOW CREDIBLE!!!

https://www.cancer.gov/publications/dictionaries/cancer-terms/def/delirium
What
is "delirium" exactly???

#### Citation of **EXHIBIT PAGE 95 OF 337**:

A mental state in which a person is confused and has reduced awareness of their surroundings. The person may also be anxious, agitated, or have less energy than usual and be tired or depressed. Delirium can also

cause hallucinations and changes in attention span, mood or behavior, judgement, muscle control, and sleeping patterns. The symptoms of delirium usually occur suddenly, last a short time, and may come and go.

It may be caused by infection, dehydration, abnormal levels of some electrolytes, organ failure, medicines, or serious illness, such as advanced cancer.

Alright, let us take a look at some weird abnormal statements Defendant had made in writing six days after being arrested and sitting in jail. See **EXHIBIT**PAGE 171 OF 337, "STATUS REPORT OF PETITION SEPTEMBER 27, 2018"

#### Citation of **EXHIBIT PAGE 172 OF 337**:

(4.)On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not being kept locked, I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something bad would happen to me.

#### Citation of **EXHIBIT PAGE 173 OF 337**:

...At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches...

Yet the Officer Robert Jones thought the hospital did "lab work and other stuff", right??? Absolutely false. The lab work was ordered and then was to be deleted from the chart. In fact, let me show you the Affidavit of Brian David Hill in support of this Motion, he has a lot to say under oath, under penalty of perjury.

#### Citation of **EXHIBIT PAGE 335 OF 337 (DECLARATION)**:

22. As to EXHIBIT 18, EXHIBIT PAGES 253-260 OF 337, is a true and correct complete copy of medical records I obtained from Sovah Health Martinsville which is a hospital. Medical records of the hospital visited dated Friday, September 21, 2018. On the day I received the records or around the time I received the records, I did speak with the hospital records staff or somebody at the hospital records area about any laboratory tests on September 21, 2018. The staff said to me and Roberta Hill that they cannot find any laboratory testing records and said since I was in the custody of the police that it would be the Martinsville Police who would do the lab work. That was what I was told by the staff person at Sovah Health Martinsville on the day which I obtained those records or around the time I received the records, and I had obtained them on "5/17/2019".

Wait, Robert Jones said about the hospital "they do lab work and other stuff."

That is a total and complete lie/fabrication. So, the hospital said that the

Martinsville Police had to do all of the drug testing or alcohol testing or any lab testing when the police detained Defendant and transported with him to the Emergency Room in an ambulance. So, they claimed that the police had to do the lab work, while the police said the hospital did the lab work. These are LEGAL MIND GAMES, MUMBO JUMBO COMPLETE GARBAGE. Both sides don't seem to have the lab work here. They don't even know if Defendant was drugged with anything. Not medically cleared, I mean how could they when they never even did the lab work. How could they when they never even did the lab work???

According to Robert Jones, the so-called officer who arrested Defendant, charged Defendant with indecent exposure, a crime, and yet claimed Defendant was medically and psychologically cleared.

See <u>EXHIBIT PAGE 187 OF 337</u>, to find out one medical letter from a Medical Doctor as to Defendant's medical history from 2012 in a nutshell. This doctor said from September 6, 2012: "Brian Hill is a current patient at Western Rockingham Family Medicine. He has a diagnosis of <u>Type 1 Diabetes</u>, <u>GERD</u>, <u>Autism</u>, and depression with suicide thoughts."

Let us ask the credible expert who said Defendant was medically and psychologically cleared, ROBERT JONES!!!!!

CITATION of EXHIBIT PAGE 39-40 OF 337 (Redirect -- Sgt. Jones):

Q Did Mr. Hill -- when you approached him, did he tell you that he had autism?

A He did.

Q And do you guys -- does your -- I would say does your -- does the department train you on how to approach someone with autism?

A We deal with some academy-wise and not much follow-up after that.

- Q Did he also tell you that he was a diabetic as well?
- A I do not recall him telling me that, no.
- Q Did he tell you that he was also OCD?
- A Not that I recall.
- Q And when you took him to the hospital, did they admit him into the hospital that night?

A No, they cleared him medically and psychologically and released him to us.

Q Okay. Did you get those reports from -- the medical reports?

A No, I did not do a subpoena for his hospital records.

Q Okay. Did you speak to a doctor or anyone regarding his condition or anything of that nature that night?

A We -- other than just checking with him to see if they were going to be releasing him or admitting him, no.

Answers by Officer Jones are in the A column and the questions from Attorney Renorda Pryor are in the Q column.

This officer is clearly a liar or an idiot or both. He is not a medical doctor. Where are his qualifications to make that determination that Defendant was medically and psychologically cleared yet didn't even know the lab work was deleted from the chart??? He says Defendant was medically cleared but knows nothing of Defendant's medical conditions. He knew nothing of Defendant's

DIABETES, TYPE 1 DIABETES. Officer Jones did not know anything, yet he said under penalty of perjury that "they cleared him medically and psychologically", without any laboratory work, without even checking his diabetic blood glucose. The hospital never checked his diabetic blood sugar on the day of Defendant's arrest.

See **EXHIBIT PAGE 184 OF 337**. Dr. Balakrishnan of Carilion Clinic said: "This is to certify that Brian Hill is my patient since 11/2014. He has a diagnosis of diabetes, seizures, autism, and obsessive compulsive disorder. One or more of these condition can limit his ability to be in social situation or among people and do work." Was the Defendant truly medically and psychologically cleared as Officer Jones had stated??? He was wrong about the "lab work and other stuff".

What lab work should have been done by the medical standard or legal standard set by Officer Robert Jones who put in the CRIMINAL COMPLAINT that Defendant was medically and psychologically cleared???

See **EXHIBIT PAGES 313-314 OF 337**. A blood sample was obtained from the Defendant aka collected from the Defendant on "07/31/18 1122" That would be on July 31, 2018. Around 11:22 AM military time. Guess what was found???

Abnormally high Red Blood Cell (RBC) count, Abnormally high
Hemoglobin level, Abnormally high Hematocrit count, Abnormally high Absolute
Mono, and abnormally low Lymph levels. The results were pretty much abnormal

levels without an explanation why. It also said: "COMPREHENSIVE METABOLIC PANEL(COMP) [368602038] (Abnormal)"

On the day of the arrest of Brian David Hill for his charge of indecent exposure, the Defendant, the hospital had also ordered a "04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS", BUT then it was "deleted from the chart", gone, covered up, bye byes. They could have found abnormal levels in the body of the Defendant at the time the police had found Defendant and detained him, and that would have shown evidence of INTOXICATION. Defendant cannot be guilty of a charge of indecent exposure if any evidence could have been found showing intoxication. Intoxication could nullify both the intent element and the obscenity element or even the intent to be obscene element. Those would be instantly disproven with evidence of intoxication.

Was Brian intoxicated before his arrest or at the time of his arrest???
Unfortunately, we will never know because he was not medically and psychologically cleared as previously assumed by Officer Robert Jones.

Did the hospital ever test the diabetic blood glucose level of the Defendant??? This Court can read through the medical records to find out.

Review over **EXHIBIT PAGES 254-260 OF 337**.

There is no mention of giving any diabetic insulin and no mention of giving any diabetic glucose in case of low blood glucose levels aka low blood sugar.

That's the key word here, LOW BLOOD SUGAR. The hospital did none of that before releasing Defendant to the Police/Jail. They didn't even check his blood sugar, his diabetic glucose level. They just released a type one diabetic to police without checking his blood sugar. Brian could have had a diabetic seizure or foot cramps in the back of the squad car. Defendant could have died in the back of the squad car. That was very stupid of both the hospital and of Robert Jones, very stupid of them to do that. Robert Jones is STUPID for all of the mistakes he had accomplished by ruining an innocent man's life. Got to tell The Innocence Project about this dirty cop. They wanted Defendant charged and arrested so quickly, so fast like they believe they are superman, but they could care less about whether Defendant had any known medical problems/issues or not. How kind of them...How nice of them...Defendant has every right to insult them for all of the harm they caused to the defendant, DEFENDANT IS THE VICTIM HERE.

Did you know that Defendant had also exhibited signs of TACHYCARDIA, meaning abnormal resting blood pulse readings of over 100?

## CITATION of EXHIBIT PAGE 258 OF 337 (MEDICAL RECORD):

Vital Signs:

09/21

04:09 BP 124 / 86; Pulse 119; Resp 19; Temp 98; Pulse Ox 98% Weight 99.79 jt kg; Height 6 ft. 0 in. (182.88 cm); Pain 0110;

09/21

05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99% Pain 0/10; jt 09/21

Interesting that the Defendant had two abnormally high resting blood pulse readings, and that is technically given the medical term "tachycardia". However, the nurses were also idiotic on the same day that Robert Jones decided to be "an idiot" and decided to pronounce the Defendant medically and psychologically cleared. Tachycardia means something may be medically wrong with somebody, but according to Robert Jones, everything is A-Okay. Right??? The jury would believe that with the deleted lab tests from the chart??? No blood sugar testing of any kind and tachycardia before being arrested??? A-Okay right Robert Jones??? Right??? He was medically cleared right??? I REST MY CASE on this part.

Let me show you the medical records from the same hospital Defendant was at before he was arrested. Except this is from a different date and time.

Let me take you back to Sunday, November 19, 2017 (**EXHIBIT PAGE 282 OF 337**), when the Defendant was in the Emergency Room, just like being in the Emergency Room on September 21, 2018. Yeah, the circumstances are different, Defendant was not under arrest on November 19, 2017, however Defendant had abnormal metabolic panel aka blood levels just like Carilion Clinic had shown on July 31, 2018, he had Sinus Tachycardia,

## CITATION of EXHIBIT PAGE 285 OF 337 (MEDICAL RECORD):

Vital Signs:

```
11/19

09:08 BP 131 / 76; Pulse 118; Resp 20; Temp 98.2; Pulse Ox 97%

91.63 kg; Height 5 ft. 10 in. (177.80 em);

11/19

09:46

11/19

10:59 BP 124 / 73; Pulse 93; Resp 18; Pulse Ox 100% on R/A;

11/19

12:57 BP 119 / 67; Pulse 97; Resp 19; Pulse Ox 98% on R/A;

09:46 patient has OCD and had to do his "routines" prior to coming, has mkk been about 4 hours since injury occured
```

Here is the proof, the evidence of Sinus Tachycardia, see **EXHIBIT PAGE 291 OF 337**. Just like the abnormal Basic Metabolic Panel (blood work, lab work)

caught by Carilion Clinic. The results are different but those were also abnormally high levels. Abnormally high White Blood Cell (WBC) count, abnormally high Mean Platelet Volume (MPV) count, abnormally high SEGS level, and abnormally high SEG Absolute level.

See the difference between the medical records on Sunday, November 19, 2017 (**EXHIBIT PAGES 282-311 OF 337**) and the medical records on Friday, September 21,2018 (**EXHIBIT PAGES 254-260 OF 337**). It is clear as night and day. The lab work was not done in 2018 hospital visit, but lab work was done in 2017 hospital visit.

Last thing which deserves attention from this Court is the first page of the discharge sheet from the hospital, dated Friday, September 21,2018. See

EXHIBIT PAGE 254 OF 337. The "FOLLOW UP INSTRUCTIONS" had said: "Private Physician When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care". So, it said that the Defendant should have seen his medical doctor a day after being discharged from the hospital to Police/Jail. However, the jail never followed the "FOLLOW UP INSTRUCTIONS" from the hospital, on record. See the Defendant's filed jail medical records filed in 2022 in this Court. Instead, the Defendant was lying on the mat or jail mattress each day, not being lab tested and not even seeing his "Private Physician" as instructed by the hospital in his "FOLLOW UP INSTRUCTIONS".

The hospital clearly did a lousy job, a terrible job, worthless, terrible, they discharged a criminal Defendant with tachycardia without even being lab tested and without being blood glucose tested before being whisked away to the police to be jailed.

Other issues material to the facts for Element 6 have been explained in Element 5, for the sake of brevity Defendant will not reiterate all of the text regarding the evidence and arguments referenced and cited from that specific element (Element 5). Defendant hereby incorporates by reference, as if fully set forth herein, all of the Element 5 evidence, arguments, and citations.

Element 6 has been satisfied.

## ALL ELEMENTS HAVE BEEN PROVEN AND SATISIFIED

The Defendant had demonstrated that all elements of the STATEMENT OF THE FACTS in this Motion had been proven and satisfied to the very letter of the law, to the very facts alleged herein. Defendant wants the truth to come out. The whole prosecution was a joke. The whole prosecution was nothing but a sheer miscarriage of justice against who he knew was an innocent man, with medical problems such as Type 1 brittle diabetes, Autism, OCD, and these are life altering health issues. The prosecutor Glen Andrew Hall's prosecution was tainted with falsehoods. Falsehoods about being medically and psychologically cleared.

Defendant is establishing with his court his proffered adverse inference that he had shown behavioral signs of being intoxicated and was dehydrated at the time he was questioned by Officer Robert Jones on the basis that the body-camera footage was destroyed to cover up this fact. See the Proffered adverse Inference.

This Circuit Court should treat all Elements 1-7 of the STATEMENT OF THE FACTS by Brian David Hill, the criminal Defendant, as having merit.

All Defendant has to prove is fraud on the court to such an extent where the original prosecution was not backed by every essential material element of probable cause and that prosecutor will never be able to prove every material element of the charge he prosecuted because evidence had been destroyed by the

prosecutor or who the prosecutor had represented which would be Martinsville Police Department while under the leadership of Chief G. E. Cassady. A corrupt police chief, doing the bidding of a corrupt malformed prosecution of a case with some defective material elements. This is clearly a fraud.

Defendant states on the record in this MOTION, as the record clearly proved this, that the Defendant never plead guilty when he withdrawn his appeal in the Circuit Court due to circumstances of having a lousy good-for-nothing lawyer who didn't even file any motions to enforce a court order for discovery after they all were not complied with. Defendant clearly had a lawyer so defective, so ineffective, so lazy in his case, that the Plaintiffs clearly got away with destroying evidence and never being compelled to comply with the orders for discovery as mandated by law or as mandated by the Court Rules, and/or as mandated by the Constitution, by the U.S. Supreme Court. Defendant never plead guilty, he only withdrawn appeal because he had a bad lawyer, a lawyer who didn't even do his duty to enforce compliance with court orders. None of his court appointed lawyers had done their duty, this is worse than being ineffective assistance of counsel. The whole defense counsel was defective and done nothing to really demonstrate how fraudulent the very prosecution was. The lawyer could have done any of what Defendant had filed, argued, filed as evidence, testimony, witnesses. The lawyer did none of any of that, these good-for-nothing Public Pretenders calling

themselves Public Defenders. It is clear they are either burdened with so many cases that they do not have the time to effectively represent to fight for every client in the very Court of law they are assigned to, and/or the court appointed lawyers had colluded with the Commonwealth Attorney and if that turns out to ever be proven true of the collusion by doing nothing to push for sanctions or any type of penalty, the Commonwealth Attorney can violate any law he wants, they can probably commit violent crimes and get away with it. They can probably smoke crack and get away with it. The prosecution is allowed to do whatever the heck they want, and that is not Constitutional, that is not due process of law. The law is held to everybody, and everyone. Nobody is above the law.

Olmstead v. United States, 277 U.S. 438, 485 (1928) ("Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means — to declare that the Government may commit crimes in order to secure the conviction of a private

criminal — would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face.")

See Strickland v. Washington, 466 U.S. 668 (1984), Hill v. Commonwealth, 8 Va. App. 60, 67-68 (Va. Ct. App. 1989) ("(7) Since its enactment, the Supreme Court has had several occasions to discuss the effect of Code Sec. 19.2-317.1 upon the issue of ineffective assistance of counsel. In Frye v. Commonwealth, 231 Va. 370, 345 S.E.2d 267 (1986), the Court said: In view of the seriousness of a charge of ineffective assistance, counsel is entitled to the opportunity to state his reasons for his acts of commission and omission now subjected to challenge. On the other hand, we will not rule as a matter of law, upon this record, that counsel's conduct was consistent with reasonable trial strategy and therefore was not ineffective. We will not impute to counsel a certain rationale and thereby deny the defendant the opportunity to demonstrate, by evidence which might be obtained in a plenary hearing, that counsel had no such tactical basis for his actions. Id. at 400, 345 S.E.2d at 288; see also Correll v. Commonwealth, 232 Va. 454, 470, 352 S.E.2d 352, 362, cert. denied, 107 S.Ct. 3219 (1987) (a claim of ineffective counsel cannot be resolved on direct appeal "unless counsel charged with ineffectiveness has had an opportunity to defend himself on the record by giving the rationale for his challenged acts of omission or commission"); Beaver v. Commonwealth, 232 Va. 521, 537-38, 352 S.E.2d 342, 351-52, cert. denied, 107 S.Ct. 3277 (1987);

Payne v. Commonwealth, 233 Va. 460, 475, 357 S.E.2d 500, 509, cert. denied, 108 S.Ct. 308 (1987); Payne v. Commonwealth, 5 Va. App. 498, 504, 364 S.E.2d 765, 768 (1987). None of these cases has addressed the issue whether the trial court is permitted to take additional evidence to support an allegation of ineffective assistance of counsel.")

This is fraud, and the court appointed lawyers were okay with the fraud, did nothing to prevent the fraud, did nothing to effectively defend the Defendant against the frauds. Defendant is asserting COLLUSION, that the lawyers Scott Albrecht, Lauren McGarry, and Matthew Scott Thomas Clark are all colluding with the fraud perpetuated by the Commonwealth Attorney for the City of Martinsville which represents the Plaintiffs. They all knew about the Defendant wanting the body-camera footage, they all knew they could have discovered that the Defendant was not medically and psychologically cleared when comparing two separate Emergency Room visits. They could have done this easily and have the Defendant do all of the work, as the Defendant was willing to do all the legwork for his court appointed lawyers, and help his court appointed lawyers, but instead they all colluded to wrongfully convict the Defendant by forcing him to file a motion to withdraw appeal because any pro motions he filed were ignored since they were not filed by Defendant's counsel who did nothing to fight any frauds perpetuated by the prosecutor. It isn't just ineffectiveness to the best of Defendant's belief, he feels

that it is collusion in one way, shape, or form, that the Commonwealth Attorneys don't have to worry about the court appointed lawyers because they just don't do anything to prove the charge was a fraud or had fraudulent elements of guilt if not faulty elements.

There needs an investigation into all of this, by the State Police, by

Martinsville Police Department. There needs to be an investigation into all of the
garbage and lies by the Government caused by the original arrest. There needs to be
an investigation into the destruction of the body-cam footage and the fact that the
Commonwealth had not ever complied with the court orders, yet they wanted
reciprocal discovery but refused to comply with the Defendant's push for
discovery. So one sided. One sided justice is no justice at all, it's a fallacy.

If the Circuit Court is still not convinced, they should hold an evidentiary hearing, ask the Commonwealth Attorney for a response, and appoint a REAL effective attorney to represent Defendant in this case to fully demonstrate factual innocence and the merits of his defense to the criminal charge, that some of the elements of guilt are disproved, and that an adverse inference should be proffered as Defendant was clearly under intoxication in the very body-camera footage destroyed by the Plaintiffs. Convicting an innocent man of violating the indecent exposure statute is a miscarriage of justice. It is a fraud, when more than one element by the prosecutor is proven fraud.

### **LEGAL ARGUMENTS**

It is clear as matter of law that all six Elements in the STATEMNET OF THE FACTS warrant that there does exist a severe case of fraud upon the Court, by the Plaintiffs and with the collusion of or of inaction by any of the defense attorneys allowing the frauds and non-compliance issues and evidence destruction to have taken place. Relief is clearly warranted here under the statutory remedies set by Virginia Code § 8.01-428(D), Virginia Code § 8.01-428(A) AND Virginia Code § 8.01-428(B).

See Code of Virginia, § 8.01-428. Setting aside default judgments; clerical mistakes; independent actions to relieve party from judgment or proceedings; grounds and time limitations.

CITATION of § 8.01-428. Setting aside default judgments; clerical mistakes; independent actions to relieve party from judgment or proceedings; grounds and time limitations.

:

A. Default judgments and decrees pro confesso; summary procedure. Upon motion of the plaintiff or judgment debtor and after reasonable notice to the opposite party, his attorney of record or other agent, the court may set aside a judgment by default or a decree pro confesso upon the following grounds: (i) fraud on the court, (ii) a void judgment, (iii) on proof of an accord and satisfaction, or (iv) on proof that the defendant was, at the time of service of process or entry of judgment, a servicemember as defined in 50 U.S.C. § 3911. Such motion on the ground of fraud on the court shall be made within two years from the date of the judgment or decree.

B. Clerical mistakes. Clerical mistakes in all judgments or other parts of the record and errors therein arising from oversight or from an inadvertent omission may be corrected by the court at any time on its own initiative or upon the motion of any party and after such notice, as the court may order. During the pendency of an appeal, such mistakes may be corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending such mistakes may be corrected with leave of the appellate court.

. . .

D. Other judgments or proceedings. This section does not limit the power of the court to entertain at any time an independent action to relieve a party from any judgment or proceeding, or to grant relief to a defendant not served with process as provided in § 8.01-322, or to set aside a judgment or decree for fraud upon the court.

See Wilson v. Commonwealth, CL-2021-0003146, 2 (Va. Cir. Ct. Apr. 20, 2021) ("After considering the caselaw, pleadings, and oral arguments presented by Counsel, this Court finds that Section 8.01-428(D) applies to criminal cases and that Petitioner Elon Wilson (Wilson) demonstrated by clear and convincing evidence that a fraud was committed upon the Court in obtaining Wilson's guilty plea. As a result, Wilson's Petition to Vacate Judgment is granted, and his conviction is set aside.")

It is a fraud when the Defendant was never lab tested while the Officer Robert Jones who charged the Defendant said lab work was done and other stuff, and said Defendant was medically and psychologically cleared. The Defendant had proven beyond a reasonable doubt, the factual elements 6 and 7, which had proven that the hospital was neglectful. There is no requirement under law for Defendant to have to sue the hospital to prove neglect. Defendant had proven neglect by providing medical records to this Circuit Court from two different visits to the Emergency Room. Defendant had proven that the officer who arrested the Defendant had no idea as to what was really going on, he was ignorant or was a liar, whatever the case may be. Defendant had proven with clear and convincing evidence that he was erroneously released by the hospital. Defendant should have been admitted, the officer should have known about the lab work. The officer cannot just blindly make claims under oath or affirmation with no evidence or foreknowledge to even back them up. The Officer had no knowledge to be able to state as a fact from his own personal witness foreknowledge whether Defendant was medically cleared or not. A hospital can erroneously release a patient, hospitals do get sued all over the country of America for neglect of patients. Officer Jones had no proof and no complete knowledge to verify for a fact whether Defendant was medically and psychologically cleared or not. Lab work was not done, officer did not know that, he only assumed, because he did not know the truth of what really happened.

It is clear fraud from the very originating criminal charge. The evidence proves it. The Commonwealth Attorney is free to authenticate all evidence, and authenticate the medical records, he is free to contact the hospital. He is free to ask

for the billing records. He is free to investigate this matter, because it is a fraud upon the court perpetuated by the Plaintiffs.

This Court can ask Officer Robert Jones under oath about what he said at the federal hearing or about whether he believes Brian David Hill had been obscene when he arrested the Defendant for the charge of making an obscene display. If he admits that Defendant was not obscene when he filed those papers with the Magistrate Judge and started the whole charge on September 21, 2018, then it is a clear fraud from the very foundation of the criminal charge against the Defendant on September 21, 2018. Defendant had proved fraud in different aspects. This Court clearly has the jurisdiction and authority to throw the entire criminal case out of court, vacate or set aside the judgment, and dismiss the entire case with prejudice. Fraud should not be welcome in a court of law.

It is clear that all **STATEMENT OF THE FACTS** and all arguments made in this motion support the relief sought. Defendant did not plead guilty as evidenced by the judgment of conviction in the Circuit court.

Constitutionally the Virginia Constitution and U.S. Constitution requires that all material elements of a crime must be met with clear and convincing evidence beyond a reasonable doubt before a jury can convict a criminal defendant. Again, Corpus delicti, in Western law, is the principle that a crime must be proved to have occurred before a person can be convicted of committing that crime. The

Defendant is presumed innocent, Defendant was supposed to be presumed innocent until proven guilty beyond a reasonable doubt. All material elements must be met, that is a requirement of case law and constitutional law. All elements of the prosecution have not been met, element of being medically and psychologically cleared has not been met. Elements of obscenity and intent have not been met because the Defendant had not been proven medically and psychologically cleared and will never be proven in this lifetime. The prosecution screwed up big time. Changes need to be made in how prosecutions are done in the City of Martinsville, we need prosecutorial reform. The prosecutors can break any law they want, that needs to change. There needs to be real investigations into all of this.

It is a fundamental miscarriage of justice and is a fraud to convict Defendant any longer in this Circuit Court. The General District Court had no basis to convict the Defendant because all material elements of the offense had not been proven by the Commonwealth Attorney. Any good lawyer worth their salt could have gotten the entire case thrown out and Defendant never would have been convicted of indecent exposure, had he had a lawyer who was like a legal bulldog who will fight tooth and nail to argue every error and issue in the entire case. Martinsville Police had the belief Defendant was medically cleared and mentally/psychologically cleared, had the false belief that Defendant was obscene and intentionally committed an actus reus without any justification, excuse, or other defense. That is

not true. Beliefs under affidavit by Officer Robert Jones do not make them true.

Officer Jones had a belief Defendant was medically cleared. A belief does not make it true. Officer Jones must tell the truth, having a belief in something without any proof or knowledge of it is not a fact. It is not a fact that Defendant was medically and psychologically cleared, that is not a fact because it is not true. It is not backed by the medical record of that day. Defendant never received any lab results,

Defendant never had his diabetic blood sugar tested, and the officer never knew Defendant was a type 1 diabetic until after Attorney Renorda Pryor had asked him during a federal court hearing.

The U.S. Supreme Court has supported the emphasis that all state courts must not convict people who are factually innocent of a crime otherwise it is a clear and convincing miscarriage of justice and actual prejudice against an innocent person.

See Schlup v. Delo, 513 U.S. at 327 — 28. Settles v. Brooks, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008).

See Constitution of Virginia; Article I. Bill of Rights; Section 8. Criminal prosecutions

CITATION: Section 8. Criminal prosecutions. That in criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, and to call for evidence in his favor, and he shall enjoy the right to a speedy and public trial, by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty. He shall not be deprived of life or liberty, except by the law of the land or the judgment of his

peers, nor be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense.

See Constitution of Virginia; Article I. Bill of Rights; Section 8. Criminal prosecutions

Section 11. Due process of law; obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases.

"That no person shall be deprived of his life, liberty, or property without due process of law..."

Due process of law requires that this Court act on this motion, due process of law requires that the Commonwealth Attorney be ordered to respond to the claims, arguments, and evidence made in this motion. Due process requires that admissible evidence not be ignored by this Court.

If a judge ignores the evidence, it is a due process violation. See Hunter v. United States, 548 A.2d 806, (D.C. 1988) ("Because the trial court improperly ignored evidence bearing on appellant's competence to enter a guilty plea, we reverse and remand to the trial court for further proceedings.") Lafferty v. Cook, 949 F.2d 1546, 1555 n.10 (10th Cir. 1992) ("the inquiry on habeas is whether the state court denied the defendant his right to due process by ignoring evidence, including evidence at trial"). Raghav v. Wolf, 522 F. Supp. 3d 534, 538 (D. Ariz. 2021) ("Immigration Court violated his due process rights by ignoring evidence of his conditions in India and erroneously applying the law."). James v. Bradley, 19870-pr, 2 (2d Cir. Mar. 31, 2020) ("James brought this action alleging that Bradley violated his right to procedural due process by ignoring evidence at the hearing that purportedly showed that the tested urine was taken from someone other than James.").

In regard to Virginia Code "§ 8.01-428(B.) Clerical mistakes." There are plenty of clerical mistakes in the original charge filed on September 21, 2018. It is erroneous too if not considered fraudulent, and even if it was considered fraudulent in some way, shape, or form, then it is still clearly erroneous as a matter of facts to sustain a criminal conviction on fraudulent charge elements. Fraudulent material element of being psychologically and medically cleared on September 21, 2018. That is an error of fact which makes it an error of law. The Officer Robert Jones had said that the Defendant had not been obscene. Roberta Hill said so under penalty of perjury, Stella Forinash had said so under penalty of perjury, Kenneth Forinash had said so under penalty of perjury, and Defendant had said so under penalty of perjury. See Element 3. Robert Jones did not file a factual charge on its merits when the Defendant had not been obscene as admitted by Officer Robert Jones himself. Even if that admission was omitted from the federal court transcript, plenty of witnesses can attest to the claim of Robert Jones that Defendant had not been obscene which that statement had come from the very officer who had charged Defendant at the very beginning without really any thorough investigation.

It is an error of fact that Defendant was "intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present." See **EXHIBIT PAGE 2 OF 337**.

It is an error of fact that Defendant was "was medically and psychologically cleared." See **EXHIBIT PAGE 4 OF 337**.

Because these errors of fact, the charge against Defendant Brian David Hill is not backed by probable cause necessary to convict the Defendant on his charge.

The charge was based on fraudulent elements or erroneous elements or both.

## **CONCLUSION**

1. It is clear that if this Court accepts the adverse inference proffered by the Defendant, then it is considered a fact that the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or was not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform. The body-cam footage would have shown footage not favorable to the Martinsville Police

Department in how they handled the situation of a person with medical issues including a neurological disability of autism spectrum disorder and Type 1 brittle diabetes. That is what the Defendant is proffering to this Court as a fact of an adverse inference. Defendant is entitled to an adverse inference when the Plaintiffs had not complied with three court orders for discovery evidence materials and had destroyed evidence subject to those three court orders.

2. It is clear that not all elements of guilt which was charged are met, referring to the elements of the charged crime presented by the Commonwealth Attorney Glen Andrew Hall representing City of Martinsville and Commonwealth of Virginia. Defendant was not medically and psychologically cleared as charged. In the body-camera footage it would have shown (under adverse inference) that the Defendant may have been intoxicated with carbon monoxide gas and that claim cannot be disproven due to destruction of evidence and deletion of evidence by the local hospital at no fault of Defendant. Defendant was not with a clean bill of health. The officer didn't even subpoena for medical records but asserted under oath or affirmation in CRIMINAL COMPLAINT page 3 (EXHIBIT PAGE 4 OF 337) that Defendant was medically and psychologically cleared. See Element 5 and Element 6. That was a big fat lie as Officer Jones lied under oath or affirmation or was based on an erroneous belief not based on any proven facts. Defendant was not cleared in the aspect of the charge element. Defendant was intoxicated as the lab

work would have shown that, if that piece of evidence not been deleted from the chart of his medical records dated September 21, 2018.

3. Because Defendant was not medically cleared and was not psychologically cleared, intent can never be established even under a trier of fact's broad discretionary powers which such discretion over intent cannot be successfully challenged on appeal alone. However, the evidence that Defendant had psychosis and made paranoid statements and statements of being drugged but lab work which was ordered were deleted by the hospital without a valid explanation or excuse after lab work was ordered on September 21, 2018, on the date of Defendant's arrest. They cannot disprove the carbon monoxide or any toxicity in body of Defendant at the time of arrest as they do not have the laboratory results. Defendant believes the lab tests would have found the levels of carbon monoxide induced intoxication or any kind of intoxication. Intent can never be proven and any reasonable juror would find that intent cannot be proven without first fully medically and psychologically clearing the Defendant with a clean bill of health which would include completed laboratory testing and laboratory results. Since there are no completed laboratory testing and laboratory results, AT THE FAULT OF THE HOSPITAL who gave Officer Robert Jones a false impression or belief that Defendant was medically and psychologically cleared when he in fact wasn't according to the evidence and the passage of Virginia Code § 19.2-271.6 in the year of 2021.

- 4. Defendant and three other witnesses had heard Officer Robert Jones admit that the Defendant was not being obscene on September 21, 2018. By saying Defendant had not been obscene, this negates the ARREST WARRANT's original claim that Defendant was charged with "intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present." Evidence is cited in <u>Element 3</u>.
- 5. It is clear that with this much fraud by the prosecution colluding with the defense attorneys of the Defendant, to never enforce the Court Orders, the Defendant was never given any opportunity to have been able to review over the police body-camera footage with his lawyer, never was allowed by his lawyer to challenge the material elements of the charged crime, and evidence being destroyed while the attorneys sat there and let it happen. There needs to be relief of some kind, any kind of relief at all to deter this kind of misconduct situation by attorneys on both sides of a case. Attorneys are officers of the court. Scott Albrecht and Glen Andrew Hall never should have let the body-cam footage be destroyed. They never should have pushed a case without investigating whether the prosecutorial elements are factual or fraudulent.
- 6. It is clear that the Circuit Court has the justification and jurisdiction to annul, or vacate, or void, or nullify, or set aside the criminal conviction which is the very Judgment being challenged in **EXHIBIT PAGE 271 OF 337**, **EXHIBIT**

- <u>21</u>, the judgment rendered on November 18, 2019, convicting the Defendant of the crime of "INDECENT EXPOSURE", of Virginia Code 18.2.387.
- 7. It is clear that the charge had fraudulent elements or faulty elements from the very beginning. It is clear that evidence had proven this. It is clear that the Plaintiffs had not complied with three court orders, the record had proved this, and the evidence further had proven this. The defense attorneys had colluded with the Plaintiffs or had refused to do their duty to enforce compliance with court orders not complied with by the Plaintiffs. There is clear collusion between defense lawyers and the prosecutor on both sides of this case or non-compliance issues by the Plaintiffs not ever held to account by the defense attorneys. There is the issue of spoliation of evidence. The Commonwealth Attorney cannot maintain a charge which he/she knows is not backed by probable cause, according to state Bar 3.8. There clearly exists fraud by the Plaintiffs, all six elements of the STATEMENT OF THE FACTS had proven this by both arguments and evidence citations. A lot of work and research went into this with the help of family. Defendant is here to get to the truth, and the truth is arguably speaking he can never be convicted of the original charge and should never be convicted of this original charge because of the way it was charged, the way it was prosecuted, and what was in the elements by the prosecution. It is majorly erroneous at best, fraudulent at worst.

# **EXHIBITS LIST**

EXHIBITS #	EXHIBIT PAGES #	DESCRIPTION
EXHIBIT 1	1-4	PHOTOCOPY OF ARREST
		WARRANT AND CRIMINAL
		COMPLAINT IN GENERAL
		DISTRICT COURT - 09-21-2018
EXHIBIT 2	5-86	TRANSCRIPT OF THE
		SUPERVISED RELEASE
		REVOCATION HEARING
		BEFORE THE HONORABLE
		THOMAS D. SCHROEDER
		UNITED STATES DISTRICT
		JUDGE; CASE NO. 1:13CR435-1;
		September 12, 2019 3:37 p.m.;
		Winston-Salem, North Carolina
EXHIBIT 3	87-91	Billing Record from Sovah Health
		Martinsville; ADMITTED 09/21/18,
		DISCHARGED 09/21/18
EXHIBIT 4	92-93	NIH NATIONAL CANCER
		INSTITUTE, peripheral venous
		catheter
EXHIBIT 5	94-95	NIH NATIONAL CANCER
		INSTITUTE, delirium
EXHIBIT 6	96-169	(1) 3% Sodium Chloride Injection,
		USP; (2) Sodium Chloride _ NaCl –
		PubChem; (3) Sodium_chloride
EXHIBIT 7	170-181	STATUS REPORT OF
		PETITIONER SEPTEMBER 27,
		2018, RE-MAILED ON OCTOBER
		10, 2018
EXHIBIT 8	182-184	EXHIBIT IN FEDERAL COURT
		RECORD, containing Doctor letter
		from Dr. Shyam E. Balakrishnan,
		MD
EXHIBIT 9	185-187	EXHIBIT IN FEDERAL COURT
		RECORD, containing Doctor letter
		from Andrew Maier, PA-C

EVIIIDIT 10	188-193	DICADI ED DADIZINO DI ACADDO
EXHIBIT 10	188-193	DISABLED PARKING PLACARDS
		OR LICENSE PLATES
		APPLICATION and a page of a
	104 201	medical record from Carilion Clinic
EXHIBIT 11	194-201	EXHIBIT IN FEDERAL COURT
		RECORD, containing Autism
		TEACCH papers
EXHIBIT 12	202-209	URGENT LETTER TO
		MARTINSVILLE POLICE
		DEPARTMENT
		AND CITY OF MARTINSVILLE –
		FOIA REQUEST and Fax
		Transmission Tickets
EXHIBIT 13	210-215	Photographs and photo-scans
		(photocopies) of evidence
		Martinsville Police ignored evidence
		envelope, Police Chief G. E. Cassady
		had signed Return Receipt on August
		7, 2019.
EXHIBIT 14	216-221	Printout of Virginia State Bar page,
		Rule 3.8 - Professional Guidelines
		and Rules of Conduct - Professional
		Guidelines
EXHIBIT 15	222-246	Excerpt of: "EXHIBIT 2 for
		EVIDENCE FOR MOTION FOR
		JUDGMENT OF ACQUITTAL
		BASED UPON NEW EVIDENCE
		WHICH COULD NOT BE
		ADMISSIBLE AT THE TIME OF
		CONVICTION; NEW EVIDENCE
		OF SPOLIATION OF EVIDENCE
		COMMITTED BY
		COMMONWEALTH OF
		VIRGINIA; REQUEST FOR
		SANCTIONS AGAINST COUNSEL
		GLEN ANDREW HALL, ESQUIRE
		(OFFICER OF THE COURT) FOR
		`
		BODY-CAMERA FOOTAGE AND
		VIOLATING COURT ORDERS FOR NOT TURNING OVER
		DOD I -CANIERA FUUTAUE AND

		IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE"
EXHIBIT 16	247-249	Department of Medical Assistance Services Virginia Medicaid Claims History For Member ID: 690024628015, Member Name: Brian Hill Claims For 11/19/2017 And 9/21/2018
EXHIBIT 17	250-252	Email record: Re: Brian D. Hill asked me to send this email to you about his appealed case
EXHIBIT 18	253-260	Scan of complete medical records of patient Brian David Hill on Friday, September 21, 2018, from Sovah Health Martinsville, scan in both color
EXHIBIT 19	261-263	Email record: Brian D. Hill asked me to send this email to you about his appealed case
EXHIBIT 20	264-269	Email record: Fw: Brian D. Hill request
EXHIBIT 21	270-271	ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING
EXHIBIT 22	272-280	Three Court Orders. One from General District Court (Case no. C18- 3138), two from Circuit Court (Case no. CR19000009-00)
EXHIBIT 23	281-311	Scan of incomplete medical records of patient Brian David Hill on Sunday, November 19, 2017, from Sovah Health Martinsville, scans in both color, and black and white
EXHIBIT 24	312-315	Carilion Clinic medical records of COMPREHENSIVE METABOLIC

		PANEL(COMP) [368602038]
		(Abnormal)
EXHIBIT 25	316-337	DECLARATION OF BRIAN
		DAVID HILL IN SUPPORT OF
		MOTION FOR SET ASIDE OR
		RELIEVE DEFENDANT OF
		JUDGMENT OF CONVICTION OF
		CRIMINAL CHARGE PURSUANT
		TO VIRGINIA CODE § 8.01-
		428(D), VIRGINIA CODE § 8.01-
		428(A) AND VIRGINIA CODE §
		8.01-428(B) ON THE BASIS OF
		FRAUD UPON THE COURT,
		CLERICAL FACTUAL ERRORS

**337 pages total, EXHIBIT INDEX PAGES** 

# EVIDENCE DECLARATION ATTACHMENTS LIST

ATTACHMENTS #	ATTACH. PAGES #	DESCRIPTION
ATTACHMENT 1	5-7	DECLARATION OF ROBERTA
		HILL IN SUPPORT OF
		"PETITIONER'S AND CRIMINAL
		DEFENDANT'S MOTION TO
		CORRECT OR MODIFY THE
		RECORD PURUANT TO
		APPELLATE RULE 10(e)"
ATTACHMENT 2	8-13	DECLARATION OF BRIAN
		DAVID HILL IN SUPPORT OF
		"PETITIONER'S AND CRIMINAL
		DEFENDANT'S MOTION TO
		CORRECT OR MODIFY THE
		RECORD PURUANT TO
		APPELLATE RULE 1O(e)"
ATTACHMENT 3	14-19	DECLARATION OF STELLA
		FORINASH IN SUPPORT OF
		"PETITIONER'S AND CRIMINAL
		DEFENDANT'S MOTION TO

		CORRECT OR MODIFY THE RECORD PURUANT TO
		APPELLATE RULE 10(e)"
ATTACHMENT 4	20-22	DECLARATION OF KENNETH
		FORINASH IN SUPPORT OF
		"PETITIONER'S AND CRIMINAL
		DEFENDANT'S MOTION TO
		CORRECT OR MODIFY THE
		RECORD PURUANT TO
		APPELLATE RULE 10(e)"

22 pages total, ATTACHMENT INDEX PAGES

# REQUEST FOR COURT TO PROVIDE EQUITABLE RELIEF AND ANY OTHER RELIEF

Therefore, the Defendant prays that this Honorable Court order the following:

- 1. That the Circuit Court investigate, then declare or make a factual finding that the Plaintiffs had defrauded the Court (made such a Fraud Upon the Court) based on three fraudulent or erroneous elements (medically cleared, intent, obscenity) of the criminal charge on September 21, 2018 which means that the Circuit Court can make a determination whether one to three elements in the original criminal prosecution are to be considered meritless, frivolous, baseless, and without clear and convincing evidence to support that even in light most favorable to the Commonwealth, the evidence is insufficient to sustain a conviction;
- 2. That the Circuit Court consider ordering based upon Section 8.01-428(D) and Section 8.01-428(B) that the Judgment on November 18, 2019 be vacated, or

- voided, or made void, or set aside or be adjudged as acquitted with case dismissal with prejudice;
- 3. That the Circuit Court consider the evidence submitted by Defendant in support of this motion to be sufficient for the relief requested in this motion, or order an evidentiary hearing to question Robert Jones over the matter of Defendant not being medically and psychologically cleared as previous assumed because of being neglected by being prematurely released from the hospital;
- 4. That the Circuit Court consider the evidence submitted by Defendant in support of this motion to be sufficient for the relief requested in this motion, or order an evidentiary hearing to question Robert Jones over the matter of Defendant not being obscene as charged by the officer in the ARRESR WARRANT;
- 5. That the Circuit Court consider vacatur, voiding, making void, setting aside, nullification of, or modification of the wrongful conviction dated November 18, 2019 (EXHIBIT PAGE 2-4 OF 337), and consider acquittal and dismissal of the entire criminal action case with prejudice;
- 6. That the Circuit Court waive and discharge any and all pending legal fees ever taxed, levied, or ordered against Defendant if the Circuit Court had determined that Defendant was fraudulently and/or erroneously prosecuted against and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;

- 7. That the Circuit Court waive and discharge any and all pending legal fees ever owed by the Defendant pursuant to all legal matters and cases that had begun from the original charge and prosecution on September 21, 2018, if the Circuit Court had determined that Defendant is innocent because of the fraudulent elements by the Plaintiffs or erroneous elements by the Plaintiffs and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
- 8. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This the 26th day of January, 2023.

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

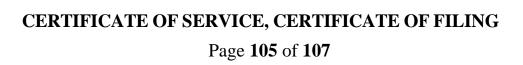
Ally of O

310 Forest Street, Apartment 2 Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com





I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a> (due to Probation Conditions of not being allowed to use the Internet) to have delivered this (1) pleading, (2) along with pleading filename: Evidence\_Declaration-1-26-2023.pdf, along with pleading filename: Evidence\_Exhibits-1-26-2023.pdf on the 26th day of January 26, 2023, to the following parties:

- 1. Commonwealth of Virginia
- 2. City of Martinsville

Again, by having representative Roberta Hill filing this (1) pleading, (2) along with pleading filename: Evidence\_Declaration-1-26-2023.pdf, along with pleading filename: Evidence\_Exhibits-1-26-2023.pdf on his behalf with the Court, through email address <a href="mailto:rbhill67@comcast.net">rbhill67@comcast.net</a>, transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq.
Commonwealth Attorney's Office for

the City of Martinsville 55 West Church Street

P.O. Box 1311

Martinsville, Virginia 24114/24112 Attorney for the Commonwealth

Phone: (276) 403-5470 Fax: (276) 403-5478

Email: ahall@ci.martinsville.va.us

Hon. Ashby R. Pritchett, Clerk of the

Court

Circuit Court for the City of

Martinsville

Phone: 276-403-5106 Fax: 276-403-5232

55 West Church Street, Room 205

P.O. Box 1206

Martinsville, VA 24114

Email: apritchett@vacourts.gov

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c/o Roberta Hill at <a href="mailto:rebhill67@comcast.net">rephill67@comcast.net</a> and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.





Brian D. Hill
Defendant
Former news reporter of U.S.W.G.O. Alternative News
Ally of Q
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Martinsville, Virginia 24112
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#### **EVIDENCE ATTACHMENT PAGE 1 OF 22**

#### VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,	)
CITY OF MARTINSVILLE,	CASE NO: CR19000009-00
PLAINTIFF(s),	) <u>EVIDENCE OF FEDERAL COURT DECLARATIONS</u>
	UNDER PENALY OF PERJURY IN SUPPORT OF
	MOTION FOR SET ASIDE OR RELIEVE DEFENDANT
<b>V.</b>	OF JUDGMENT OF CONVICTION OF CRIMINAL
	CHARGE PURSUANT TO VIRGINIA CODE § 8.01-
	428(D), VIRGINIA CODE § 8.01-428(A) AND
BRIAN DAVID HILL,	VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF
DEFENDANT.	FRAUD UPON THE COURT, CLERICAL FACTUAL
DETEMBRITA	) FRRORS

EVIDENCE OF FEDERAL COURT DECLARATIONS UNDER PENALY OF PERJURY IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS

Respectfully submitted with the Court,

This the 26th day of January, 2023.

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2 Martinsville, Virginia 24112 (276) 790-3505



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#### **EVIDENCE ATTACHMENT PAGE 2 OF 22**

Pursuant to the Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty.", criminal defendant Brian David Hill hereby state as follows to the Circuit Court for the City of Martinsville under penalty of perjury,

- 1. I am Brian David Hill, criminal defendant in this case. I am a party to this litigation. CASE NO: CR19000009-00.
- 2. I am filing four attachments (four documents) to this Evidence

  Declaration, true and correct copies of federal court filed unsworn declarations
  which are of (or at least should be in my view) the same force and effect as
  affidavits, under penalty of perjury. I am filing four different declarations as
  evidence in this case in support of "MOTION FOR SET ASIDE OR RELIEVE

  DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE

  PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD

  UPON THE COURT, CLERICAL FACTUAL ERRORS"
- 3. As to <u>ATTACHMENT 1:</u> "Exhibit 1, Exhibit in attachment to "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e) (Doc. #215) -- MOTION AND BRIEF / MEMORANDUM OF LAW IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)" (Doc.

#### **EVIDENCE ATTACHMENT PAGE 3 OF 22**

#215)", is a true and correct copy of this federal court filing, Document 216-1, Filed 11/08/19, case no. 1:13-cr-00435-TDS, IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

- 4. As to <u>ATTACHMENT 2:</u> "Exhibit 2, Exhibit in attachment to "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e) (Doc. #215) -- MOTION AND BRIEF / MEMORANDUM OF LAW IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)" (Doc. #215)", is a true and correct copy of this federal court filing, Document 216-2, Filed 11/08/19, case no. 1:13-cr-00435-TDS, IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.
- 5. As to <u>ATTACHMENT 3:</u> "Exhibit 3, Exhibit in attachment to "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e) (Doc. #215) -- MOTION AND BRIEF / MEMORANDUM OF LAW IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)" (Doc. #215)", is a true and correct copy of this federal court filing, Document 216-3, Filed

#### **EVIDENCE ATTACHMENT PAGE 4 OF 22**

11/08/19, case no. 1:13-cr-00435-TDS, IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

6. As to <u>ATTACHMENT 4:</u> "Exhibit 4, Exhibit in attachment to "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e) (Doc. #215) -- MOTION AND BRIEF / MEMORANDUM OF LAW IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)" (Doc. #215)", is a true and correct copy of this federal court filing, Document 216-4, Filed 11/08/19, case no. 1:13-cr-00435-TDS, IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 26, 2023.

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of O

310 Forest Street, Apartment 2 Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com
Page 4 of 4



# Exhibit 1

USWGO QANON // DRAIN THE SWAMP MAKE AMERICA GREAT AGAIN



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1 MIDDLE DISTRICT OF NORTH CAROLINA

Exhibit in attachment to "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e) (Doc. #215) -- MOTION AND BRIEF / MEMORANDUM OF LAW IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)" (Doc. #215)"

## In the United States District Court For the Middle District of North Carolina

)
)
)
) Criminal Action No. 1:13-CR-435-1
)
) Civil Action No. 1:17-CV-1036
)
)
)
)

# DECLARATION OF ROBERTA HILL IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)"

I, Roberta Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I, Roberta Hill, was present at the hearing on September 12, 2019, and I did testify for the defendant. There were omissions of a few testimonies on the transcript for that hearing. I remember hearing the attorney Ms. Pryor ask officer Jones if Brian Hill was being obscene on the night of September 21<sup>st</sup> and he replied that he wasn't obscene. Another question that wasn't in the transcript was when Ms. Pryor asked officer Jones what was in the backpack and he replied that there was a camera, clothes and a watch.

This is what I believe was omitted from the Transcript that should have been part of that transcript.

#### **EVIDENCE ATTACHMENT PAGE 7 OF 22**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 7, 2019.

Respectfully submitted,

Robett gfill

Signed Roberta Hill 310 Forest Street, Apt. 1 Martinsville Virginia 24112

# Exhibit 2

USWGO QANON // DRAIN THE SWAMP MAKE AMERICA GREAT AGAIN



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1 MIDDLE DISTRICT OF NORTH CAROLINA

Exhibit in attachment to "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e) (Doc. #215) -- MOTION AND BRIEF / MEMORANDUM OF LAW IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)" (Doc. #215)"

#### In the United States District Court For the Middle District of North Carolina

	)
Brian David Hill,	)
Petitioner/Defendant	)
	) Criminal Action No. 1:13-CR-435-1
v.	)
	) Civil Action No. 1:17-CV-1036
United States of America,	,
Respondent/Plaintiff	)
_	)
	)

### DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)"

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I was at the hearing on September 12, 2019, at the Winston-Salem Federal Courthouse, Courtroom 2, and had been present at that hearing while I, Brian David Hill had been present with Renorda Pryor (Attorney) for the case of the Supervised Release Violation.

I had remembered things that were mentioned verbally at the hearing that had not been inside of the transcript file "09-12-19 USA v. Brian D. HIII.pdf" produced by Court Reporter named Briana Bell. I had concerns about this and had produced this federal affidavit on what I believed was omitted on the record by error.

#### **EVIDENCE ATTACHMENT PAGE 10 OF 22**

This is what I believe was omitted from the Transcript that should have been part of that transcript:

(1) The Assistant U.S. Attorney Anand Prakash Ramaswamy had made a statement or had asked witness Roberta Hill about "Wikipedia" in response to her testimony about "carbon monoxide" in regards to her testimony explaining her research into carbon monoxide, and as to why she thought Brian had exhibited the weird behavior on September 21, 2018. The mentioning of "Wikipedia" by Anand Prakash Ramaswamy was omitted from the Transcript. At least I believe that it was Anand Prakash Ramaswamy as I do not see Renorda Pryor trying to mention the term "Wikipedia" in regards to my mother's claim about carbon monoxide and things she had researched on the internet. I did see her research about carbon monoxide, she had printed PDF files for me in regards to the National Institute of Health and the other articles including one from the Centers for Disease Control. That is why I still remember the words quite clearly about hearing an attorney mention the word "Wikipedia" or something like "it was probably found on Wikipedia" or "it was probably from Wikipedia" or something to that affect. From the Transcript however, the Judge mentioned about "Wikipedia" with no source of that word "Wikipedia" in the Transcript. Shows that the word "Wikipedia" was mentioned by somebody at the hearing/proceeding on the record but I believe it was erroneously omitted from the official transcript. The Judge said on page 58 of that Transcript: "THE COURT: I mean, it's not -- it's scientific evidence, and there's no indication she's qualified to -- I don't even know what her source was, whether it was Wikipedia or what have you". Where did the judge get his opinion about "Wikipedia" in regards to Roberta Hill when it was not mentioned in the Transcript in any other page? I believe anybody who mentioned about the word "Wikipedia" or any comment of "came from Wikipedia" or anything to that affect

#### **EVIDENCE ATTACHMENT PAGE 11 OF 22**

came before "The Court" made that comment about "whether it was Wikipedia or what have you".

I was also worried that the part of the transcript that I believe was omitted from that particular record, was about the comment about Wikipedia. I was so angry at Ramaswamy over the "Wikipedia" comment that I had made two written statements about that at an earlier time which of course would be my earlier testimony about my viewpoint and response against what I had felt like was that Anand Prakash Ramaswamy had called all of my mother's hard work and research with me being present and witnessing the PDF file printouts of the credible research articles on carbon monoxide poisoning being demeaned as simply sourced from "Wikipedia".

Citing Document #195, Filed 09/30/19, Page 3 of 4:

"The transcripts still have not yet been furnished by the Court Reporter of that hearing, but Assistant United States Attorney Anand Prakash Ramaswamy ("Ramaswamy") had made a verbal claim at that Final Revocation Hearing that the claimed Carbon Monoxide research was found on Wikipedia on the internet in an attempt to discredit both Roberta Hill (the witness) and Brian David Hill (the <u>Defendant</u>). Exhibit 3 under Document #181-4, was material that was researched by family and was cited from the National Institute of Health, a federal government organization of the United States. If you had noticed the little text in Case 1:13-cr-00435-TDS Document 195 Filed 09/30/19 Page 3 of 20 that exhibit, it says "...ncbi-nlm.nih.gov..." which is a federal government domain name. It also cites reliable sources such as "Kent Olson, MD, FACEP, FACMT, FACCT, Medical Director and Clinical Professor of Medicine & Pharmacy# and Craig Smollin, MD, Assistant Medical Director and Clinical Professor of Medicine". That was not from "Wikipedia" as Ramaswamy had claimed at the SRV revocation hearing. The Judge would have had access to that document (Document #181-4) and didn't care to correct Ramaswamy on the fact that none of the research materials presented in Document #181 and attachments were from this alleged "Wikipedia". That was a lie/falsehood by Ramaswamy and the judge knew that was a lie but he had decided to defend or protect Ramaswamy and ignore the testimony of both Roberta Hill and United States Probation Officer

#### **EVIDENCE ATTACHMENT PAGE 12 OF 22**

Jason McMurray ("McMurray") to give Defendant the maximum punishment for this revocation. Exhibit 6 from Document #181-7 was sourced from the Centers for Disease Control ("CDC") which is also a well-respected federal government agency that deals with public health and safety. So Ramaswamy was attempting to demean these federal agencies as calling them collectively, "Wikipedia" type of source when he had questioned witness Roberta Hill on the stand in an attempt to discredit Brian David Hill's claims and Roberta Hill to make them out to be either incompetent, not credible, or liars."

Cited from Document #199, Filed 10/04/2019, Page 23 of 26:

"2. Attached hereto as Exhibit 2, is a true and correct photocopy of a printout of "Autism Spectrum Disorder Fact Sheet"; Prepared by: Office of Communications and Public Liaison, National Institute of Neurological Disorders and Stroke, National Institutes of Health in Bethesda, MD 20892. "All NINDS-prepared information is in the public domain and may be freely copied. Credit to the NINDS or the NIH is appreciated." This did not come from Wikipedia. Total of 9 pages."

It is ironic that after I had filed two different pleadings with my statements about "Wikipedia" as I was upset about that comment at that hearing and felt that the research from my family of credible sources was all demeaned to simply being sources of this alleged "Wikipedia".

I do also remember Officer Robert Jones talking about a backpack, a watch (or a pocket watch), flashlights, and clothes in my backpack.

The last thing I remembered with my own eyes and ears from the hearing, I was right beside Renorda Pryor at the defense table, and she clearly asked the Government's witness "Robert Jones" about if I was being obscene at the time and the witness responding by saying no or I don't think he was. I thought that was really important as I knew that was said verbally at that hearing and I know Renorda had brought up that question. Even before the hearing, I, Roberta Hill, Stella Forinash, and Kenneth Forinash were all meeting to discuss the case in the

#### **EVIDENCE ATTACHMENT PAGE 13 OF 22**

federal courthouse building and we mentioned about questions Renorda could ask the Officer and one of them was about whether or not I was obscene. So I am aware that Renorda was going to ask that question in the courtroom and that I had saw the words come out of her mouth when she had asked the witness Officer Sergeant Robert Jones, as to if he thought I was being obscene at that time and he didn't think that I was being obscene. I know this from my own personal knowledge to the best of my abilities.

I wish that had come in the transcript, and I am disappointed to remember my own Attorney asking that question but the question and answer was omitted from the transcript file from Briana Bell.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 6, 2019.

Respectfully submitted,

Signed

Brian D. Hill (Pro Se) 310 Forest Street, Apartment 1 Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter I stand with QANON/Donald-Trump – Drain the Swamp

# Exhibit 3

USWGO QANON // DRAIN THE SWAMP MAKE AMERICA GREAT AGAIN



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1 MIDDLE DISTRICT OF NORTH CAROLINA

Exhibit in attachment to "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e) (Doc. #215) -- MOTION AND BRIEF / MEMORANDUM OF LAW IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)" (Doc. #215)"

#### In the United States District Court For the Middle District of North Carolina

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)
)
) Criminal Action No. 1:13-CR-435-1
)
) Civil Action No. 1:17-CV-1036
)
)
)
)

### DECLARATION OF STELLA FORINASH IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)"

I, Stella Forinash, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I was at the hearing on September 12, 2019, at the Winston-Salem Federal Courthouse, Courtroom 2, and had been present at that hearing while Brian David Hill had been present with Renorda Pryor (Attorney) for the case of the Supervised Release Violation.

I had remembered things that were mentioned verbally at the hearing that had not been inside of the transcript file "09-12-19 USA v. Brian D. HIll.pdf" produced by Court Reporter named Briana Bell. I had concerns about this and had produced this federal affidavit on what I believed was omitted on the record by error.

This is what I believe was omitted from the Transcript that should have been part of that transcript:

Attorney Pryor asked Sgt. Jones if Brian was being obscene. His answer was "No". Attorney Pryor asked Sgt. Jones what was in the backpack, and his answer was something like "camera, watch & his clothes". We talked about this on the way home that day, and after we got home, I took notes and sent my notes in PDF format to one of our friends in email on 9/14/2019. We think it's important to have everything that is in the transcript, and so we paid \$388 to get an accurate copy as soon as possible. This copy was sent to our daughter's email. When she sent an email back asking for corrections, this was denied. We paid for a double spaced 81 page transcript to be emailed to us within 7 days, and some very important information is left out that all 4 in our family remember that was said in court on September 12, 2019. Another part that was left out of this transcript was when my daughter, Roberta testified about the carbon monoxide and how Brian was acting & feeling after being exposed to this in Brian's apartment for almost a year. She was talking about USA government documents explaining to Americans about the dangers of carbon monoxide gas exposure short term & long term health effects, and Brian filed these documents to the court and is on pacer. Check these document for proof: Case 1:13-cr-00435-TDS Document 181 Filed 07/22/19 Page 1-10 of 10: Document 181-4 Filed 07/22/19 Page 1-6 of 6; Document 181-5 Filed 07/22/19 Page 1-3 of 3; Document 181-6 Filed 07/22/19 Page 1-5 of 5 and more. It was left out of the transcripts where Anand Ramaswamy said something like she probably got the information about carbon monoxide from Wikipedia. It's real important to correct these 3 items which should be on the original transcript. Thank you.

#### **EVIDENCE ATTACHMENT PAGE 17 OF 22**

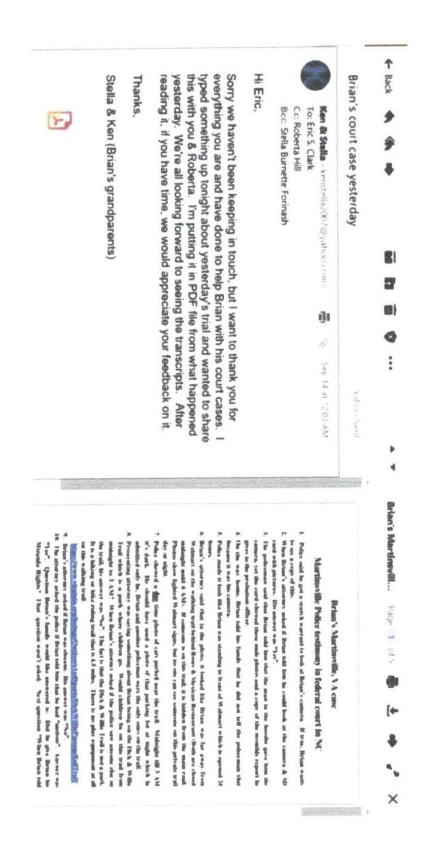
I declare und	er penalty	of perjury	that the	foregoing	is true and	correct.
---------------	------------	------------	----------	-----------	-------------	----------

Executed on November 6, 2019.

Respectfully submitted,

Stella B Founds Signed

Stella Forinash



#### Brian's court case yesterday

From: Ken & Stella (kenstella2007@yahoo.com)

To: eric@whitestone

Cc: rbhill67@yahoo.com

Bcc: kenstella@comcast.net

Date: Saturday, September 14, 2019, 12:03 AM EDT

#### Hi Eric.

Sorry we haven't been keeping in touch, but I want to thank you for everything you are and have done to help Brian with his court cases. I typed something up tonight about yesterday's trial and wanted to share this with you & Roberta. I'm putting it in PDF file from what happened yesterday. We're all looking forward to seeing the transcripts. After reading it, if you have time, we would appreciate your feedback on it.

#### Thanks.

#### Stella & Ken (Brian's grandparents)



Brian's Martinsville case in the federal court in NC.pdf

# Exhibit 4

USWGO QANON // DRAIN THE SWAMP MAKE AMERICA GREAT AGAIN



UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1 CIVIL CASE NO. 1:17-CV-1036 MIDDLE DISTRICT OF NORTH CAROLINA

Exhibit in attachment to "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e) (Doc. #215) -- MOTION AND BRIEF / MEMORANDUM OF LAW IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)" (Doc. #215)"

## In the United States District Court For the Middle District of North Carolina

),
)
)
) Criminal Action No. 1:13-CR-435-1
)
) Civil Action No. 1:17-CV-1036
)
)
)

### DECLARATION OF KENNETH FORINASH IN SUPPORT OF "PETITIONER'S AND CRIMINAL DEFENDANT'S MOTION TO CORRECT OR MODIFY THE RECORD PURUANT TO APPELLATE RULE 10(e)"

I, Kenneth Forinash, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I was at the hearing on September 12, 2019, at the Winston-Salem Federal Courthouse, Courtroom 2, and had been present at that hearing while Brian David Hill had been present with Renorda Pryor (Attorney) for the case of the Supervised Release Violation.

I had remembered things that were mentioned verbally at the hearing that had not been inside of the transcript file "09-12-19 USA v. Brian D. HIII.pdf" produced by Court Reporter named Briana Bell. I had concerns about this and had produced this federal affidavit on what I believed was omitted on the record by error.

#### **EVIDENCE ATTACHMENT PAGE 22 OF 22**

This is what I believe was omitted from the Transcript that should have been part of that transcript:

Brian's attorney, Renorda Pryor, asked Officer Robert Jones if Brian was obscene, and his answer was that he was not.

She asked the officer what Brian had in his backpack and he said he had a camera, a watch and clothes.

When Mr. Ramaswamy questioned Roberta Hill he mentioned that she may have gotten the information about Carbon Monoxide exposure from Wikipedia.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 6, 2019.

Respectfully submitted,

Signed

Kenneth R. Forinash, TSgt, USAF, Ret

Kenneel R. Formast

### **EXHIBIT 1**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



EXHIBIT PAGE 2 OF	337 UCI 9000097 (5)	)
WARRANT OF ARREST—MISDEMEANOR (LOCAL)	CASE NO. C18-3158	
COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72	ACCUSED:	<i>j</i>
Martinsville  CITY OR COUNTY  General District Court  Criminal Traffic  University and Domestic Relations District Court	Hill, Brian David  LAST NAME, FIRST NAME, MIDDLE NAME	<del></del>
Juvenile and Domestic Relations District Court	310 Forest St Apt 2	9.21-18
Martinsville	ADDRESS/LOCATION Martinsville, VA 24112	4,00 /2
TO ANY AUTHORIZED OFFICER:  You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest	To be completed upon service as Summons	Hearing Date/Time
and bring the Accused before this Court to answer the charge that the Accused, within this city or	Mailing address Same as above	10-05-18 BH
county, on or about 09/21/2018 did unlawfully in violation of Section		10.45%
13-17/18.2-387, Code or Ordinances of this city, county or town: intentionally make an obscene display of the accused's person or private parts in a public place or in a place	RACE   SEX   BORN   HT.   WGT.   EYES   HAIR     WGT.   EYES   HAIR     WGT.   EYES   HAIR     WGT.   EYES   HAIR     WGT.   EYES   HAIR   WGT.   EYES   W	
where others were present.	DL# 0319	
	☐ Commercial Driver's License	
	CLASS 1 MISDEMEANOR	
	EXECUTED by arresting the Accused named above on	
I, the undersigned, have found probable cause to believe that the Accused committed the offense	this day:  EXECUTED by summoning the Accused named	
charged, based on the sworn statements of	above on this day:	
SGT. R.D. JONES MPD , Complainant.	For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.	
	9/21/18 0538	
Execution by summons permitted at officer's discretion.	DATE AND TIME OF SERVICE  R 7 45 APPRECIATING OFFICER	
09/21/2018 05:35 AM (ourtry) D. Rud	, ARCESTING OFFICER	
DATE AND TIME ISSUED   COURTNEY D. Reid  DETAIL MAGISTRATE INDICE	BADGE NO., AGENCY AND JURISDICTION	
	- for	
of Martinsville Circuit Court	Attorney for the Accused:	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
CASE alleed Courie Office.	grob Dut	
Charles of Martinsville Circuit Court  Appealed  Appeale	Short Offense Description (not a legal definition): INDECENT EXPOSURE	
NUME MAY BE DESIGNED.	Offense Tracking Number: 690GM1800003560	
Texte:	FOR ADMINISTRATIVE USE ONLY	
Tour samere at ton Eliel	Virginia Crime Code:  OBS-3713-O1	LOCAL

19.2-303.2.	DATE JUDGE	DATE	JUDGE
[ ] mature driver school, § 16.1-69.48:1. [ ] accord and satisfaction, § 19.2-151. [ ] under §§ 4.1-305, 18.2-57.3, 18.2-251 or	SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS, FORFEITURES, PENALTIES OR RESTITUTION ARE NOT PAID. Va. Code § 46.2-395	TOTAL Stay of the proceedings pur	\$
[ ] traffic school	DRIVER'S LICENSE/FRIVILEGE TO DRIVE IN VIRGINIA	• .	264 00
[ ] conditioned upon payment of costs and [ ] successful completion of	[] Bail on Appeal \$	241	<i>5,0</i> 0
[ ] I ORDER the charge dismissed [ ] with prejudice	1\ 01X \ 3	OTHER (SPECIFY):	W 00
[ ] I ORDER a nolle prosequi on prosecution's motion		1/8 22 3	
[ ] carrying hazardous materials		SECURITY FEE	10-00
[ ] driving a commercial motor vehicle		244 COURTHOUSE	
And was FOUND by me to be:	[ ] Other:	ACADEMY FEE	
DATE JUDGE	family or household members	243 LOCAL TRAINING	
	[ ] Contact prohibited between defendant and victim/ victim's	234 JAIL ADMISSION FEE	78-00
[ ] costs imposed upon detendant.	and supervised by  [ ] to be credited against fines and costs	228 COURTHOUSE CONSTRUCTION FEE	
attached and incorporated in this order.  [ ] Costs imposed upon defendant.	completed by		
[ ] A separate order for First Offender is	[ ] COMMUNITY SERVICE hours to be	<b>217</b> CT. APPT. ATTY	120-00
57.3, 18.2-251 or 19.2-303.2.	sentence	202 WITNESS FEE	
and place accused on probation, §§ 4.1-305, 18.2-	[ ] Restitution payment is a condition of suspended	192 TRAUMA CENTER FEE	
adjudication/disposition toDATE AND TIME	[ ] RESTITUTION order incorporated		
[ ] facts sufficient to find guilt but defer	[ ] Ignition Interlock for	137 TIME TO PAY	10-00
VCC	[ ] Restricted Driver's License per attached order	133 BLOOD TEST FEE	
[ ] guilty of	[ ] DRIVER'S LICENSE suspended for	121 TRIAL IN ABSENCE FEE	······································
[ ] not guilty [ ] guilty as charged	[ ] Monitoring by GPS/other tracking device	" <b>/≤3</b>	38- <sup>90</sup>
And was TRIED and FOUND by me:	[ ] VASAP [ ] local community-based probation agency	113 DNA	38- <sup>00</sup>
[ ] Plea and Recommendation	[ ] on PROBATION for	113 DUI FEE	
right to confront the witnesses against him.	[ ] Public work force [ ] authorized [ ] not authorized	113 IGNITION INTERLOCK	
entered after the defendant was apprised of his right against compulsory self-incrimination and his	[ ] Work release [ ] authorized if eligible [ ] required [ ] not authorized		
[ ] guilty [ ] Plea voluntarily and intelligently	[] on weekends only	113 WITNESS FEE	
[ ] nolo contendere	[ ] Serve jail sentence beginning	001 INT CRIM CHILD FEE	15-00
[ ] not guilty [ ] Witnesses sworn	§ 53.1-187 for time spent in confinement.	462 FIXED DRUG MISD FEE	· - · · · · · · ·
Plea of Accused:	order and paying fines and costs. Credit is allowed pursuant to		
[ ] Certified pursuant to § 19.2-190.1.	for a period of, conditioned upon being of good behavior, keeping the peace, obeying this	<b>461</b> FIXED MISD FEE	61-00
[ ] INTERPRETER PRESENT	mandatory minimum, with suspended	EES LIQUIDATED DAMAGES	
[ ] NO ATTORNEY [ ] ATTORNEY WAIVED [ ] If convicted, no jail sentence will be imposed	imposed, [] of whichdays	223 LIQUIDATED DAMAGES	
DEFENDANT'S ATTORNEY PRESENT (NAME)		COSTS	
H Would	with \$ suspended [V] JAIL SENTENCE of 3 4 3	LOCALITY	
PROSECUTING ATTORNEY PRESENT (NAME)	[ ] FINE [ ] CIVIL PENALTY of \$		<b></b>
Hay	I impose the following Disposition:	FINE	
[] tried in absence [] present	deferred adjudication/disposition.	Offense Tracking Number: 690	GM1800003260
The Accused was this day:	[ ] Guilty – upon a violation of a term or condition of a	600	ACN 41 900002560

**EXHIBIT PAGE 3 OF 337** 

#### **EXHIBIT PAGE 4 OF 337**

CRIMINAL COMPLAINT	RULES 3A:3 AND 7C:3	
Commonwealth of Virginia	⋈ General District Court	
Martinsville	Juvenile and Domestic Relations District Court	CRIMINAL COMPLAINT
CITY OR COUNTY	lainant annon an affirm that I have upaged to believe that the	
Accused committed a criminal offense, on or about	omplainant swear or affirm that I have reason to believe that the	ACCUSED: Name, Description, Address/Location
09/21/2018 in the	ne [X] City [] County [] Town	
of Martinsville		Hill, Brian David  LAST NAME, FIRST NAME, MIDDLE NAME
I base my belief on the following facts: (Print AL	L information clearly.)	310 Forest St Apt 2
On the above date I responded to the area of Pine St. at the	steps for the Dick and Willie Trail due to a naked white male that	
had been seen running on Hooker St from Church St. Offic	ers were in the area of Hooker St and had not located the male. I	Martinsville, VA 24112
walked down the steps to the trail where i herd foot steps co	oming towards me. I could see a person walking on the trail and	
they stopped. I signed my light on the male and he turned a	nd ran. He was naked except for his shoes and socks. The male had	RACE SEX BORN HT. WGT. EYES HAIR
items in his hand when he ran. I chased the suspect off the	left side of the trail down a bank and into the creek. I was yelling	W M 05 26 90 6 0 150 BLU BRN
stop and show me your hands during the chase. When the n	nale was detained he was read Miranda and started talking about a	-0319
black male in a hoodie made him get naked and take picture	es of himself. He was transported to the hospital due to knee pain.	
While at the Hospital he stated that he was alone when he	took the photos of himself and he gave Ofc. Warnick premising to	[ ] Complainant is not a law-enforcement officer or
view his camera. On the Camera was several photo of hims	elf naked around the city. He was medically and psychologically	animal control officer. Authorization prior to issuance of felony arrest warrant given by
cleared. He was arrested for indecent Exposure. Mr. Hill's o	clothing was located in his bag. All took place in the city.	[ ] Commonwealth's attorney [ ] Law-enforcement agency having jurisdiction over alleged offense
The statements above are true and accurate to the best o	f my knowledge and belief.	NAME OF PERSON AUTHORIZING ISSUANCE OF WARRANT
In making this complaint, I have read and fully un	derstand the following:	
By swearing to these facts, I agree to appear in court a	nd testify if a warrant or summons is issued.	DATE AND TIME AUTHORIZATION GIVEN
The charge in this warrant cannot be dismissed except	by the court, even at my request.	13-17 Indecent Exposure
Sgt. R. Jones #220		-
NAME OF COMPLAINANT (LAST, FIRST, MIDDLE) (PRINT CLEARLY)	SIGNATURE OF COMPLAINANT	
Subscribed and sworn to before me this day.		,
subscribed and sworn to before me tins day.	( two P) Posts	
09/21/2018 05;35:A.М <sub>ітме</sub>	[] CLERK [] MAGISTRATE [] JUDGE  X	

### **EXHIBIT 2**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



#### **EXHIBIT PAGE 6 OF 337**

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1
                  IN THE UNITED STATES DISTRICT COURT
              FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
 2
                                    CASE NO. 1:13CR435-1
   UNITED STATES OF AMERICA
                                  )
 4
            VS.
                                      Winston-Salem, North Carolina
 5
                                      September 12, 2019
   BRIAN DAVID HILL
                                      3:37 p.m.
 6
 7
       TRANSCRIPT OF THE SUPERVISED RELEASE REVOCATION HEARING
 8
               BEFORE THE HONORABLE THOMAS D. SCHROEDER
 9
                     UNITED STATES DISTRICT JUDGE
10
11
   APPEARANCES:
12 For the Government:
                            ANAND RAMASWAMY, AUSA
                             Office of the U.S. Attorney
                             101 S. Edgeworth Street, 4th Floor
13
                             Greensboro, North Carolina 27401
14
15 For the Defendant:
                             RENORDA E. PRYOR, ESQ
                             Herring Law Center
16
                             1821 Hillandale Road, Suite 1B-220
                             Durham, North Carolina
17
18
   Court Reporter:
                             BRIANA L. BELL, RPR
                             Official Court Reporter
19
                             P.O. Box 20991
                             Winston-Salem, North Carolina 27120
20
21
22
23
24
        Proceedings recorded by mechanical stenotype reporter.
25
        Transcript produced by computer-aided transcription.G1
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USA v. Brian Hill -- SRV hearing -- 9/12/19

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1
                       PROCEEDINGS
2
        (The Defendant was present.)
3
             THE COURT: All right. Mr. Ramaswamy, good
4
   afternoon, sir.
5
             MR. RAMASWAMY: Good afternoon, Your Honor.
   Government calls for hearing on a supervised release violation
   United States versus Brian David Hill in 1:13CR435-1,
   represented by Ms. Pryor.
9
             MS. PRYOR: Good afternoon, Your Honor.
10
             THE COURT: Good afternoon, Ms. Pryor. How are you?
11
             MS. PRYOR: I'm wonderful, Your Honor. Thank you.
12
             THE COURT: Mr. Hill, good afternoon to you.
13
             Mr. Alligood and Mr. McMurray are here from the
14
   Western District of Virginia, welcome, here on behalf of
15
   Probation.
16
             We're here today because the petition and the
   supplemental report allege that Mr. Hill violated the terms of
17
   supervision.
18
             Did you receive a copy of the petition and the
19
20
   supplement?
             MS. PRYOR: We did, Your Honor.
21
22
             THE COURT: Have you reviewed those with your client?
             MS. PRYOR: I have, Your Honor. And Mr. Hill is
23
24
   actually requesting a continuance of this matter today, Your
25
   Honor. I believe it was -- I won't said filed because we don't
```

```
have an actual clerk's office here, but I think he did provide
   it on I believe the 8th floor, Your Honor, and because of the
   time that he drafted it, it seems like last night, he didn't
   have an opportunity to file it. So he did provide it to me, a
5
   copy, today.
6
             He's asking for a continuance because his matter in
7
   state court was actually -- his appeal hearing was continued to
   December 2. It was in order -- the first hearing that he had,
9
   I believe he -- his attorney was released from that. He has a
10
   new attorney in state court, and so they continued it out to
11
   December 2.
12
             And so Mr. Hill is asking, based on his rights here,
13
   that he would like for his hearing to be heard -- in
14
   Martinsville, Virginia, to be heard before this hearing today.
15
             THE COURT: So explain to me exactly what is set for
   hearing in Virginia.
16
17
             MS. PRYOR: So, Your Honor, he was found guilty of
   indecent exposure in Martinsville, Virginia. He appealed that
18
            That matter was scheduled for --
19
   matter.
20
             THE COURT:
                        Let me stop you.
21
             MS. PRYOR:
                         I apologize, yes.
22
             THE COURT:
                         So he's found guilty in the trial court?
23
             MS. PRYOR: He was found quilty at trial, yes, Your
24
   Honor.
25
             THE COURT:
                          So he's appealed it to whom?
```

```
1
             MS. PRYOR: He's appealed it to their -- which would
   be their next level, which would be their superior court. In
   that case, when he went to court on -- I think that was two
   weeks ago, they continued that matter to December 2 to be heard
5
   at that time, and he now has a new attorney.
6
             THE COURT: And what's the nature of that appeal?
7
             MS. PRYOR: It is the underlining matters that are
8
   here on this case.
9
             THE COURT: I understand. Is it a de novo review, or
10
   is it an appeal?
11
             MS. PRYOR: It would be a de novo review, Your Honor.
12
             THE COURT: All right. What was he found guilty of?
13
             MS. PRYOR: He was found quilty of the charges that
14
   he's here for today, Your Honor, which was in violation of
15
   indecent exposure. I think it's 137 -- I think it's 20-137,
16
   which is indecent exposure. It is a misdemeanor, Your Honor.
17
             THE COURT: According to the petition, it's Virginia
   Code 18.2-387.
18
19
             MS. PRYOR: I apologize, Your Honor. That's correct.
20
             THE COURT:
                        All right. Okay. Anything else on that?
21
             MS. PRYOR: That's it, Your Honor. And then, of
22
   course, you know, Your Honor, if you would not continue it,
23
   we're prepared to proceed.
24
             THE COURT: Well, I've also reviewed apparently today
25
   a pro se emergency notice of interlocutory appeal. Are you
```

```
aware of that?
2
             MS. PRYOR:
                         That's what I actually have, Your Honor,
   and I was referencing it as a continuance. Your Honor, I did
   receive that. I believe it might be couched in the wrong -- in
5
   what he's requesting. So, Your Honor --
6
             THE COURT: This one says he's appealing to the
7
   Fourth Circuit; is that not right?
8
             MS. PRYOR:
                         That is correct, Your Honor.
9
             THE COURT: What he's appealing?
10
             MS. PRYOR: Your Honor, he is appealing --
             THE COURT: I haven't ruled yet.
11
12
             MS. PRYOR:
                        I know, Your Honor.
             THE COURT: Okay. All right.
13
14
             Mr. Ramaswamy?
15
             MR. RAMASWAMY: As to this -- addressing this motion
16
17
             THE COURT: Which "this"?
             MR. RAMASWAMY: I'm sorry. There's no file number on
18
19
   it, but the petition for notice of interlocutory appeal, it
20
   would appear to the Government he's appealing Document 183,
   that's in the second paragraph, which is the Court's order on
21
22
   the motion to continue. That was a motion to continue by the
23
   defense, which the Court granted and the Government didn't
24
   oppose. So it would appear Mr. Hill's attempting pro se to
25
   appeal an order that was in the Defendant's favor.
```

```
THE COURT: Hold on just a minute.
1
         (Pause in the proceedings.)
2
             THE COURT: Okay. What's your position on the other
3
   motion? They want to continue this because he's appealing
   Virginia -- the court's -- the trial court's determination.
5
             MR. RAMASWAMY: I don't believe there is a motion --
6
7
   unless it's one made orally, there is a motion to continue.
             THE COURT: Do I have a written one?
8
9
             MS. PRYOR: You do not have a written one, Your
10
   Honor. That was an oral motion just now, Your Honor. That's
11
   correct.
12
             THE COURT: What's your view on that?
13
             MR. RAMASWAMY: We would oppose, Your Honor. The
14
   officer is here under subpoena. The Defendant is here.
15
   supervising officer is also here from Martinsville, Virginia.
16
             THE COURT: Let me ask a question. When did the
   court in Virginia rule?
17
             MS. PRYOR: Your Honor, do you mind if I get a second
18
   just to ask that question?
19
20
             THE COURT: That's fine. I am going to want to know
21
   when he took the appeal, too.
22
             MS. PRYOR: Okay. Yes, Your Honor.
23
         (Ms. Pryor conferred with the Defendant.)
24
             MS. PRYOR: I apologize. Thank you, Your Honor.
25
             Your Honor, he actually was found guilty on
```

```
December 21 of 2019. He filed a pro se appeal on December 21,
   but it was mailed, so they did not have it couched as a pro se
   appeal until December 26 of 2019 -- I mean, I'm sorry, 2018. I
   apologize.
5
             THE COURT: Okay. And then when was that scheduled
6
   for hearing?
7
             MS. PRYOR:
                        Well, Your Honor, when he did have the
8
   first hearing, they then -- he, of course --
9
             THE COURT: When was the appeal scheduled to be
   heard, the original?
10
11
             MS. PRYOR:
                        Oh, the original, it was not scheduled
12
   until May and then -- that's only because he went off -- and I
13
   know that's probably longer than what you are asking me for,
14
   but they sent him to Butner for competency. He came back in
15
   May. They did couch the first hearing for May, and then they
   continued that one because he released that attorney. And then
16
   in July, he had a hearing, which is the one that you gave us
17
   permission to continue to this date for that hearing, but then
18
   that hearing was then rescheduled. He has another attorney who
19
20
   is going to be handling that hearing on December 2.
21
             THE COURT: Okay. Well, the motion is denned.
   standard before this Court on a potential revocation of a
22
23
   petition is a preponderance standard, which is a different
24
   standard. So even if he were found not to be guilty beyond a
25
   reasonable doubt in a criminal court, that would not
```

```
1
   necessarily preclude this Court from finding him guilty on a
   preponderance basis because that's the burden of proof. So it
   is also a late-blooming motion, so on timeliness grounds as
   well, I am going to deny the motion.
5
             MS. PRYOR: Thank you, Your Honor.
6
             THE COURT: All right. I read this emergency
7
   petitioner's notice of interlocutory appeal. To the extent
   that's even pending before me, it's not an impediment to my
9
   moving forward. He's purporting to appeal an order that, as
10
   the Government says, was one I granted in his favor, extending
11
   him more time to proceed. So he's not been harmed by that
12
   order, but, in any event, it's interlocutory.
13
             So are you prepared to proceed?
14
             MS. PRYOR:
                         Yes, sir.
15
             THE COURT:
                        Did you say you reviewed the petition and
   the supplement with your client?
16
17
             MS. PRYOR: I did review it with him, yes, Your
18
   Honor.
19
             THE COURT: Do you have access to his original
20
   presentence report?
             MS. PRYOR: I do, Your Honor.
21
22
                         And are you confident that he understands
             THE COURT:
23
   the charges pending against him?
             MS. PRYOR: I am confident that he understands the
24
25
   charges that are here today.
```

```
1
             THE COURT: All right. Mr. Hill, I need to speak
   with you for a moment, if you would stand, please, sir.
3
             How are you this afternoon?
 4
             THE DEFENDANT: I'm all right.
5
             THE COURT: Good. Did you receive a copy of the
6
   petition and supplement?
7
             THE DEFENDANT: I did.
8
             THE COURT: Did you review those with Ms. Pryor?
9
             THE DEFENDANT: Yes.
10
             THE COURT: Do you understand the charge against you?
11
             THE DEFENDANT: I am.
12
             THE COURT: You may have a seat, sir.
13
             The allegation in the petition is that Mr. Hill was
14
   arrested by the Martinsville, Virginia Police Department for a
15
   misdemeanor indecent exposure on September 21, 2018. He
   reportedly was running around a public park nude at the time.
16
17
             Does the Defendant admit or deny this allegation?
             MS. PRYOR: He denies, Your Honor.
18
19
             THE COURT: All right. Is the Government prepared to
20
   proceed?
21
             MR. RAMASWAMY: Yes, Your Honor.
             THE COURT:
22
                         All right. You may call your witnesses.
23
             MR. RAMASWAMY: Thank you. The Government would call
24
   Robert Jones.
25
   SERGEANT ROBERT JONES, GOVERNMENT'S WITNESS, being first duly
```

```
1
   sworn, testified as follows at 3:48 p.m.:
2
              THE COURT: Before you begin, give me a chance to
3
   look at one thing.
4
             MS. PRYOR: Your Honor, may I have just one moment
5
   with my client?
6
              THE COURT: Yes, you may.
         (Ms. Pryor conferred with the Defendant.)
7
8
              THE COURT: Okay. I was just confirming that it's
9
   Docket Entry 176, that the U.S. Court for the Western District
10
   of Virginia in Roanoke did, in fact, find Mr. Hill to be
11
   competent. That appears to be the case.
12
             MS. PRYOR: That is correct, Your Honor.
13
             THE COURT: Thank you. All right.
14
             Mr. Ramaswamy, you may proceed, sir.
15
                          DIRECT EXAMINATION
16
   BY MR. RAMASWAMY
17
        Would you state your name and occupation for the record,
18
   please.
19
        Robert Jones, patrol sergeant in the Martinsville City
20
   Police Department.
21
        How long have you been with the Martinsville PD?
        Just over 17 and a half years.
22
23
        And were you on duty on September 21st of last year?
24
        I was.
   Α
25
        And what were your duties on that date?
```

- 1 A I was the supervisor for the patrol shift that evening.
- 2 Q Did you receive a call from dispatch that evening?
- 3 A We did.
- 4 Q What was that call in reference to?
- 5 A Radio traffic came across as a male subject with no
- 6 clothes on running down the side of the street at Hooker Street
- 7 near the Henry County Public Safety building.
- 8 Q And what did you do in response to that call?
- 9 A Several of the officers that work for me went to that area
- 10 and were trying to locate that individual. I came from another
- 11 part of the town. As I came across, they were not having any
- 12 luck locating him. I went to an area of Pine Street. At the
- 13 dead end section of that, there is a set of steps that go onto
- 14 the walking trail that connects where the individual was first
- 15 seen to where I was coming from.
- 16 Q You mentioned Hooker Street was the original place of the
- 17 | report; correct?
- 18 A Correct. It's Hooker Street and Church Street there at
- 19 Burger King. It's an intersection right there at that area.
- 20 Q You mentioned the walking trail. What's the name of that
- 21 trail?
- 22 A It is the Dick and Willie Trail.
- 23 Q And do you know approximately how long that trail is?
- 24 A It's several miles long.
- 25 Q And in reference to Martinsville, where does it go in

- 1 reference -- is it remote or is it residential or a mixture?
- 2 A A mixture.
- 3 Q I believe you said you went to a set of steps near Pine
- 4 Street; is that correct?
- 5 A Yes, sir.
- 6 Q Would you tell the Court what happened next?
- 7 A I went down the steps around the edge of the intersection
- 8 there where the trail splits off back towards the direction
- 9 where the individual had been seen. As I was coming up the
- 10 trail, I could hear footsteps coming towards me; at which
- 11 point, I stopped to see if the individual would come closer to
- 12 me before I made contact.
- 13 Q On that trail, is that trail open at night?
- 14 A It is.
- 15 Q Is it a park?
- 16 A It's a walking trail that goes from the county through the
- 17 city back out into the county.
- 18 Q And you said you heard the footsteps before you saw
- 19 someone?
- 20 A Correct.
- 21 Q Did you eventually see someone?
- 22 A I did.
- 23 Q Did you see him -- did you have a flashlight?
- 24 A I did.
- 25 Q Did you see him by your flashlight or by other light?

- 1 A By my flashlight.
- 2 Q And do you see the person that you saw that night?
- 3 A I do.
- 4 Q And is he in the courtroom?
- 5 A He is. It's the Defendant sitting at the table with his
- 6 attorney.
- 7 Q Mr. Hill?
- 8 A Correct.
- 9 Q Describe Mr. Hill when you saw him.
- 10  $\mid$  A When I shined my light on Mr. Hill, he was completely
- 11 naked other than a backpack, his tennis shoes and socks, and a
- 12 stocking cap.
- 13 Q How far away was he when you first saw him?
- 14 A About the length of the courtroom.
- 15 Q And when you -- after you saw him, what did you do?
- 16 A I yelled at him to stop. When I shined my flashlight on
- 17 him, he took off, which would have been where I was facing to
- 18 my left into the wood line and down the hill into the creek.
- 19 Q Did you see him holding anything?
- 20 A He did. He had a yellow flashlight in his hand and then
- 21 also another black object, which was later found to be another
- 22 | flashlight in his other hand.
- 23 Q I'm sorry. After he ran down the hill and into the wooded
- 24 area, did you pursue?
- 25 A I did.

- 1 Q Describe that for the Court, please.
- 2 A We run through the brush, through the thicket down into
- 3 the creek; at which point, he jumped over a log into the creek.
- 4 Q Was he still holding the objects?
- 5 A One of the objects had fell. The small black flashlight
- 6 had fallen. That was picked up by one of the other officers
- 7 that came to assist me.
- 8 Q And what did you do next?
- 9 A He was handcuffed at that point and was walked out of the
- 10 wooded area back to the patrol cars that met us at -- off of
- 11 Hooker Street on one of the side streets.
- 12 Q You mentioned two flashlights in a backpack. Did he have
- 13 anything else with him?
- 14 A Yes, there was -- in his backpack was located a camera.
- 15 Q Did Mr. Hill make any statements to you at that time?
- 16 A He was complaining of knee pain; at which point, we
- 17 | transported him to the hospital to get him checked out to make
- 18 | sure he was okay. While there, he proceeded to explain to me
- 19 that the reason he was out there like that was because a male
- 20 subject -- a black male in a hoodie had threatened him and
- 21 forced him to take pictures of himself.
- 22 Q What -- did he gave any more detail than that, a black
- 23 male in a hoodie forced him to take photos?
- 24 A He did. He said that the male subject threatened him and
- 25 his family and told him that he needed to take these photos of

- 1 himself naked; otherwise, they were going to hurt his family.
- 2 Q Did he make any statement as to whether or not this person
- 3 knew his family?
- 4 A When questioning him if the male subject was with him when
- 5 he took the photos and stuff that were on the camera, he stated
- 6 he was not with him. And when questioned about that and why he
- 7 didn't come to see us and asked him -- he proceeded to explain
- 8 to us that this subject was working for law enforcement and
- 9 other individuals in reference to his prior charges.
- 10 Q So it was a story that his original child pornography
- 11 charge -- that this unknown person was somehow affiliated with
- 12 that charge?
- 13 A Correct.
- 14 Q What did he say about the camera itself?
- 15 A He said that the -- originally said that the male subject
- 16 | had given him the camera to go take the photos. I had seized
- 17 the camera during this time. A search warrant was issued for
- 18 | it, and on the camera card -- on the SD card inside the camera
- 19 was a Word document that belonged to Mr. Hill.
- 20 Q Were there other things on the camera card?
- 21 A Photos from that evening.
- 22  $\mid$  Q Did he say what he was supposed to do with the camera
- 23 after he took these pictures?
- 24 A He did. He was supposed to leave it on one of the benches
- 25 on the walking trail.

- 1 Q Now, did you obtain a search warrant for the contents of
- 2 | the camera?
- 3 A I did.
- 4 Q And did you later find the photographs and document you
- 5 mentioned on the camera?
- 6 A Correct.
- 7 MR. RAMASWAMY: May I approach?
- 8 THE COURT: Yes.
- 9 BY MR. RAMASWAMY
- 10 Q Officer Jones, I'm going to show what's marked as
- 11 Government's Exhibit 1, which is a two-page exhibit, a contact
- 12 | sheet. Do you recognize what's on Government's Exhibit 1?
- 13 A Yes. These are thumbnails of the photos that were found
- 14 on that card.
- 15 Q I'm going to ask you to look at Government's Exhibit 1,
- 16 and on the photographs themselves, does there appear to be a
- 17 | time/date stamp?
- 18 A It is.
- 19 Q Is that time/date stamp consistent with the day that the
- 20 incident occurred?
- 21 A It is.
- 22 Q And also below each photograph is some text that begins
- 23 | with the word "Sanyo," and the first one at the top left of
- 24 Government's Exhibit 1 says sanyo001.jpg. Do you know what
- 25 that is?

- 1 A That's the -- normally, that's the stamp that the camera
- 2 puts onto the card for the photo that's stored on it.
- 3 Q So that's the file name for each of the photographic files
- 4 on the camera?
- 5 A Correct.
- 6 Q Is what's shown in Government's Exhibit 1 all of the
- 7 | photographs found on Mr. Hill's camera?
- 8 A Yes.
- 9 Q And I know there are --
- 10 MR. RAMASWAMY: I would ask that Government's
- 11 Exhibit 1 be admitted, Your Honor.
- 12 MS. PRYOR: Your Honor, we have no objection. Just
- 13 ask that it be sealed because of the nature of it.
- 14 **THE COURT:** All right. It's admitted.
- 15 BY MR. RAMASWAMY
- 16 Q I'm going to ask you about Government's Exhibit 1 in
- 17 | relation to this trail, the Dick and Willie Passage. In your
- 18 further investigation or knowledge, were you able to determine
- 19 whether these photographs were taken in reference to that
- 20 trail?
- 21 A Further investigation from the initial incident, it looks
- 22 like all of these were taking place at the Greene Company right
- 23 behind the Mexican restaurant right in that area, Virginia
- 24 Avenue, Memorial Boulevard, and Commonwealth Boulevard.
- Q What type of area is that?

```
1
        It's the Wal-Mart -- it's our Wal-Mart intersection.
   There's several restaurants, a gas station right here in this
3
   little area, along with a hotel there as well.
4
        In terms of Martinsville, or Henry County, is it -- how
5
   would you describe it in terms of car traffic? Foot traffic?
6
        Heavy traffic.
7
              THE COURT: Any objection to sealing these, given the
8
   nature of them?
9
             MR. RAMASWAMY: I don't have any objection.
10
             MS. PRYOR:
                         Thank you.
11
              THE COURT: I'll order that they be sealed, that is,
12
   Government's Exhibit 1.
   BY MR. RAMASWAMY
13
14
        It's Detective Jones; correct?
15
        Sergeant Jones.
        I'm sorry.
16
        No problem.
17
        Sergeant Jones, I'm going to show what's marked as
18
   Government's Exhibit 2. Do you recognize Government's
19
20
   Exhibit 2?
21
        Yes, sir.
22
        In Government's Exhibit 2 is a map, arrows, and some text.
```

Have you previously reviewed this in relation to the

photographs and file names?

Yes, sir.

23

24

#### **EXHIBIT PAGE 25 OF 337**

- 1 Q And as it describes in numbered sequence one through five,
- 2 does that accurately show, as to the files in Government's
- 3 Exhibit 1, the locations where those photographs were taken?
- 4 A Yes, sir. These are consistent with the photographs.
- 5 Q Those photographs I mentioned before have a time stamp;
- 6 correct?
- 7 A Correct.
- 8 Q And for the record, on Government's Exhibit 2, on the
- 9 first number there, under No. 1, when do the photographs begin,
- 10 as far as the time stamp?
- 11 A At 12:29 a.m.
- 12 Q Sergeant Jones, I'm showing you what's marked as
- 13 | Government's Exhibit 3, and I want you in reference to -- what
- 14 does Government's Exhibit 3 show?
- 15 A This is photographs of the Greene Company from Virginia
- 16 Avenue over the bridge, along with the beginning of the walking
- 17 trail there for parking, the bike rack, and the little bulletin
- 18 board there at the beginning of the trail.
- 19 Q You mentioned that bike rack and bulletin board. That's
- 20 approximately in the center of the large photograph; correct?
- 21 A Correct.
- 22  $\mathbb{Q}$  And the bike rack is that the green --
- 23 A Just the little -- right beside the green trash can and
- 24 bulletin board.
- 25 Q Do you see those same -- that bulletin board and bike rack

- 1 and trash can in Government's Exhibit 1, in those photographs?
- 2 A Yes.
- 3 Q And I'll show you what's marked Government's Exhibit 4.
- 4 Again, another large photograph in the daytime -- taken in the
- 5 daytime. Do you recognize that?
- 6 A Yes, sir. That is the backside of the Greene Company and
- 7 their parking lot, along with the Taco Bell old truck --
- 8 transfer truck that they have there.
- 9 Q That says Taco Bell?
- 10 A Minus a few letters.
- 11 Q Okay. On the second page of Government's Exhibit 1, is
- 12 there are also a Taco Bell truck with the B and final L missing
- 13 from Bell?
- 14 A Correct.
- 15 Q Is that what you were able to determine was the location
- 16 of the photographs shown on the back -- the second page of
- 17 Government's Exhibit 1?
- 18 A Yes, sir.
- 19 Q I'll show you what's marked Government's Exhibit 4 --
- 20 Government's Exhibit 5. Would you tell us what's shown in that
- 21 | photograph?
- 22 A That is the intersection for the Commonwealth, Virginia
- 23 Avenue, Memorial Boulevard intersection.
- 24 Q And that's a photograph taken in the daytime; correct?
- 25 A Correct.

- 1 Q Now, in relation to Martinsville, Henry County -- well, 2 strike that.
- Is that the same intersection that has the Wal-Mart on the one side and other businesses on the other?
- 5 A Correct.
- Q In relation to Martinsville and Henry County, how busy of an intersection is that? Is it a -- it's in the top?
- 8 A It's one of our busiest intersections for that area.
- 9 Q I am going to show you a photograph marked Government's
  10 Exhibit 6.
- 11 MR. RAMASWAMY: And I have no objection if counsel
  12 moves to seal this one as well, Your Honor.
- 13 MS. PRYOR: That would be my request, Your Honor.
- 14 **THE COURT:** All right. It's granted.

### 15 BY MR. RAMASWAMY

- 16 Q I have some questions related to Government's Exhibit 6.
- 17 What is shown in that exhibit?
- 18 A This is the grassy section just up from the intersection
- 19 behind the gas station. The Wal-Mart intersection is here with
- 20 the stoplights. The signs for all the stores down there in the
- 21 strip mall just below Wal-Mart is here in the smaller, lower
- 22 | right-hand corner.
- 23 Q And you're pointing to the lower right-hand corner of
- 24 Government's Exhibit 6. Is there also a yellow sign with a
- 25 semicircular top about in the center near the bottom?

- 1 A Yes, sir.
- 2 Q What business is that?
- 3 A That's one of the businesses right here on the main strip.
- 4 I think it's a Midas or Monro, something to that effect, and
- 5 then Hill Chiropractic is right there as well.
- 6 0 Is that a tire store?
- 7 A Correct.
- 8 Q And is that visible? Is this intersection visible in
- 9 Government's Exhibit 5?
- 10 A Yes, sir. It's right here.
- 11 Q And you're pointing to -- in Government's Exhibit 5, on
- 12 the right, you're pointing to where there's a Lowe's sign, in
- 13 between the Lowe's and the Wal-Mart?
- 14 A Right. The Hill Chiropractic sign is here just at the
- 15 stoplight, the Monro Muffler shop is here, and the Wal-Mart
- 16 intersection is all right there together.
- MS. PRYOR: Your Honor, do you mind if I move closer
- 18 just so I can see where they're pointing? I am unable to see
- 19 it from here.
- 20 **THE COURT:** Why don't you hold it up so counsel can
- 21 see it.
- 22 **THE WITNESS:** The Wal-Mart intersection is here where
- 23 the blue sign is. We've got the yellow building, which is the
- 24 muffler shop, tire shop there, and then just past that one with
- 25 this other brick building behind it is the Hill Chiropractic

```
1
   building.
   BY MR. RAMASWAMY
3
        I have a couple more.
4
        Directly -- is Mr. Hill shown in this Government's
5
   Exhibit 6?
6
        He is.
7
        In the space between his arm, is there a sign visible?
8
  Α
        It is.
9
        Do you see that same sign in Government's Exhibit 5?
10
        Yes, sir.
11
        What sign is that in Government's Exhibit 5?
12
        It's the Mexican restaurant sign, the El Parral.
13
        And do you also see behind Mr. Hill in Government's
14
   Exhibit 6 what appears to be a yellow curb?
15
        I do.
16
        Do you see that yellow curb in Government's Exhibit 5?
17
        I do. That is actually the Stultz Road intersection.
        Can you tell on Government's Exhibit 5 the vantage point
18
   from which Government's Exhibit 6 was taken?
19
20
        That appears to be the grassy section behind the gas
   station, which is Fast Fuels.
21
22
        I'm going to give you a pen. If you would mark on there,
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it would be down here in this corner in Photo 6.

Fast Fuels would be up here just out of camera view, and

23

24

25

if you're able.

- 1 Q So you placed a small dot on each photograph, which is the
- 2 apparent vantage point on Government's Exhibit 5 from which
- 3 this photo was taken; correct?
- 4 A Correct.
- 5 Q Do you see anything other than the store lights in
- 6 Government's Exhibit 6?
- 7 A Yes, sir. There appears to be taillights from a vehicle
- 8 passing at the intersection.
- 9 Q And that is on the photograph just to the right of the
- 10 Defendant's leg with the black sock?
- 11 A Correct, which would be roughly two-thirds down the page,
- 12 middle of the page.
- 13 Q In relation to this trail, do you -- strike that.
- 14 Let me show what's marked as Government's Exhibit 7, and I
- 15 ask you to take a moment and look at that.
- 16 Have you seen that exhibit before?
- 17 A I have.
- 18 Q Would you describe what's in the exhibit?
- 19 A It's a roadmap of the city and locations of where the
- 20 photos were originally started and a location of the time of
- 21 the original call that we received from dispatch and
- 22 approximate arrest location.
- 23 O So there's four annotations on here. This 310 Forest
- 24 Street, do you know what that is?
- 25 A That's down where the suspect lived, Mr. Hill.

```
1
        And everything -- as far as the photographs, were those
   taken where it says photos taken here, 12:29 to 1:20 a.m.?
3
        Correct.
4
        And I may not have asked you the time that the call came
5
   in to the police, but do you know what time that call came in?
        It was 3:12 in the morning.
6
7
        And is this -- can you review the place where it says
   "arrest"? Is that accurate as to the place to which the
   Defendant was arrested?
10
        Yes, sir.
11
        The distance between where the photographs were taken and
12
   where it shows the 911 call location was made, can you tell
13
   even approximately what distance was that?
14
        It's a couple of miles.
15
             MR. RAMASWAMY: One moment, please.
16
             THE COURT: Sure. While you're going through that,
   just so counsel has an idea, I can go until about 5:15 today.
17
18
   So if you think you need to go beyond that, we'll have to make
19
   arrangements.
20
             MR. RAMASWAMY: I don't anticipate -- thank you, Your
   Honor. I am sorry to interrupt. I don't anticipate more than
21
   two other exhibits, and my evidence will be all through this
22
23
   witness.
```

THE COURT: All right.

24

## BY MR. RAMASWAMY

- 2 Q I'm going to show you a four-page exhibit marked as
- 3 Government's Exhibit 8, and I ask that you take a moment and
- 4 look at that, please.
- 5 Sergeant Hill [sic], can you tell -- have you seen
- 6 Government's Exhibit 8 before?
- 7 A I have.
- 8 Q What is it?
- 9 A It's the document that was found on the SD card in printed
- 10 version that belonged to Mr. Hill that was on the camera when
- 11 | we did the search warrant.
- 12 Q So this document was on the same card as the photographs?
- 13 A Correct.
- 14 Q And I will show what's been marked as Government's
- 15 Exhibit 9. I'll ask that you take a look at that.
- In your examination of the contents of the camera card,
- 17 did you observe the properties for that four-page document I
- 18 just showed you?
- 19 A I did.
- 20 Q And is this a screenshot of the properties?
- 21 A It is.
- 22 Q And under the author, what does it say?
- 23 A Brian D. Hill.
- 24 Q Did you ever see anyone else on the trail that night
- 25 | besides Mr. Hill?

- 1 A No, that's the only person that I came into contact with.
- 2 Q Other than September 21, were you -- of last year, were
- 3 you aware of other calls in reference to a naked person on that
- 4 trail or in that area?
- 5 A We have had other calls in the city in reference to a
- 6 white male running naked with a stocking cap on, which was
- 7 consistent with Mr. Hill.
- $8 \mid Q$  Did you get similar calls after Mr. Hill was arrested in
- 9 this case?
- 10 A We've had, I know, two other calls for indecent exposure
- 11 incidents, but they were both identified as not being Mr. Hill.
- 12 Q And you mentioned he was -- he was charged with indecent
- 13 exposure; correct?
- 14 A Correct.
- 15 Q Are you familiar with the Virginia statute?
- 16 A Yes, sir.
- 17 Q I will show you what's been marked as Government's
- 18 Exhibit 10, and ask that you take a look at that and see if you
- 19 recognize that.
- 20 A Yes, sir.
- 21 Q What is Government's Exhibit 10?
- $22 \mid A$  That is a printout of our state statute for indecent
- 23 exposure.
- 24 Q And that's under your Virginia Code Section 18.2-387;
- 25 correct?

```
1
        Correct.
   Α
        That's what Mr. Hill was charged with?
2
3
        He was charged under our local statute, which mimics this
  just for funding purposes.
5
        There was mention before about a trial. Was that a bench
   trial?
6
7
        Yes, sir.
8
        So the current matter on appeal was on appeal for jury
   trial; correct?
        It was slated for a jury trial, yes, sir, it was.
10
11
        Do you know when that was set for trial?
12
        It was a couple of weeks ago. It was continued.
                                                           I'm not
13
  sure of the exact date. I don't have my calendar.
14
             MR. RAMASWAMY: I have no other questions.
15
             THE COURT: All right. Are you moving any of these
16
   in?
17
             MR. RAMASWAMY: I'm sorry. I believe I moved for
   Government's Exhibit 1. For the remainder of the exhibits,
18
   we'd asked that they be admitted, and I believe two of them are
19
20
   under seal, Your Honor.
             THE COURT: Any objection?
21
                        No objections, Your Honor.
22
             MS. PRYOR:
23
             THE COURT: They are admitted, and Exhibit 1 and
   Exhibit 5 are under seal.
24
25
             Ms. Pryor, any questions?
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```
1 MS. PRYOR: Yes, Your Honor.
```

2 CROSS-EXAMINATION

# 3 BY MS. PRYOR

- 4 Q Can you tell us -- I believe you stated that the call came
- 5 in around what time?
- 6 A Around 3:12 in the morning.
- 7 Q And was that the only call that you received?
- 8 A It was.
- 9 Q Okay. And at 3:12 in the morning, are any of the places
- 10 | that's on the map, I believe Taco Bell, the Mexican
- 11 restaurants -- are those places open at that time?
- 12 A The Greene Company that has the Taco Bell delivery truck
- 13 is not open at that point. The Wal-Mart at that intersection
- 14 is still open. Other than -- as far as the Mexican restaurant
- 15 and the other restaurant right on the corner, they are not.
- 16 Q I believe there is a Roses as well on that corner as well?
- 17 A Correct.
- 18 O And Lowe's as well?
- 19 A Yes.
- 20 Q And are those open at that time in the morning?
- 21 A No, ma'am.
- $22 \mid Q$  And when you did proceed to arrest my client at that time,
- 23 how many people were around at that time?
- 24 A It was me and him when he was placed in handcuffs in the
- 25 woods. Another officer was coming down to us but had not made

#### EXHIBIT PAGE 36 OF 337

- 1 it to us at that point.
- 2 Q Was there anyone on the trail at that time?
- 3 A I did not make any contact with anybody else at that time.
- 4 Q And you said what when you approached him? He was -- that
- 5 he did -- he did lead you on a pursuit?
- 6 A Correct.
- 7 Q Do you recall about how long that pursuit was?
- 8 A It wasn't far. He made it to the bottom of the hill
- 9 through the vines and brush and, like I said, jumped over a log
- 10 into the creek out of my sight, which I was trying to give him
- 11 commands to show me his hands at that point.
- 12 Q And you didn't see anyone when you were on that pursuit?
- 13 A No.
- 14 Q At the time -- these photos are clearly taken during the
- 15 daytime with many cars, of course, on this, but at 3:12 a.m.
- 16 when you were traveling, based on that call, did you see --
- 17 about approximately how many cars was on the road at that time?
- 18 A This was not at -- when he was taken into custody, it was
- 19 | not at that intersection. It was farther up the trail towards
- 20 the other side of the city.
- 21 Q Okay. So farther up the trail -- are there any
- 22 restaurants farther up that trail?
- 23 A That actually comes out to another intersection where
- 24 there's restaurants, some other businesses, and stuff like
- 25 that. Those were not open during this particular time. It

- 1 proceeds up past the access for the hospital and continues on
- 2 out to the Public Safety building, which is -- somebody's
- 3 staffing that 24 hours a day.
- 4 Q Okay. And you said that the caller, based on the diagram
- 5 on -- I believe that's Government's Exhibit No. 7. The caller
- 6 that called in at 3:12 a.m., that was near I believe -- that
- 7 looks like a Burger King; is that correct?
- 8 A Correct. Right there at that intersection for the Burger
- 9 King is a 24-hour laundromat and just around -- if you take a
- 10 right from there, you are in sight of the CVS that's open 24
- 11 hours a day.
- 12 Q And that's not pictured here on Exhibit No. 5; correct?
- 13 A No.
- 14 Q And when you approached -- or when you did ask him to
- 15 stop, did you have on your uniform at the time?
- 16 A I did.
- 17 Q And did you tell him that you were police at the time?
- 18 A I do not recall if I actually said I was police or not
- 19 when I told him to stop; at which point, he went straight into
- 20 the woods, and I began chasing him.
- 21 Q And once you did arrest him, you said that he had a
- 22 | flashlight and a book bag, and I believe you said one other
- 23 litem?
- 24 A There was a backpack on him. He had a large flashlight,
- 25 like a square battery one, in his hand, and he also dropped a

- 1 small black flashlight while running.
- 2 Q And you were able to recover all of those things?
- 3 A We did.
- 4 Q Did he voluntarily provide you with his camera as well?
- 5 A He did. When he was explaining the situation, his first
- 6 story as to what had -- the reason why he was out there that
- 7 late, he gave us permission to look at -- one of the officers
- 8 to look at the photos, and that's how we came about those.
- 9 Q Okay. And one of the things that he said at the time is
- 10 that there was a male that was in a hoodie, that he was told
- 11 that he had to take those pictures?
- 12 A Correct.
- 13 Q And did he tell you any other information about the male
- 14 | in the hoodie?
- 15 A He proceeded to explain to me that during this time frame,
- 16 during questioning him and trying to get some more information
- 17 about that -- he provided more information as to that male
- 18 subject with the hoodie was working for the people that were --
- 19 that had originally been in his original charges.
- 20 Q Okay. And did you investigate whether he -- whether there
- 21 was some threat to his family or anything?
- 22 A Talking with him, the time frame didn't really add up to
- 23 me at that point. We made contact with his -- tried to make
- 24 contact with his mother that night. I don't know if anybody
- 25 actually spoke to her. I don't recall.

- 1 Q Okay. But as part of your investigation, have you been
- 2 able to find out whether there were some threatening matters
- 3 that was sent to him or his family?
- 4 A I have not heard anything of that, no.
- 5 Q But do you -- but you didn't do the investigation?
- 6 A No.
- 7 Q Did Mr. Hill -- when you approached him, did he tell you
- 8 that he had autism?
- 9 A He did.
- 10 Q And do you guys -- does your -- I would say does your --
- 11 does the department train you on how to approach someone with
- 12 | autism?
- 13 A We deal with some academy-wise and not much follow-up
- 14 after that.
- 15 Q Did he also tell you that he was a diabetic as well?
- 16 A I do not recall him telling me that, no.
- 17 Q Did he tell you that he was also OCD?
- 18 A Not that I recall.
- 19 Q And when you took him to the hospital, did they admit him
- 20 | into the hospital that night?
- 21 A No, they cleared him medically and psychologically and
- 22 | released him to us.
- 23 Q Okay. Did you get those reports from -- the medical
- 24 reports?
- 25 A No, I did not do a subpoena for his hospital records.

```
1
        Okay. Did you speak to a doctor or anyone regarding his
   condition or anything of that nature that night?
3
        We -- other than just checking with him to see if they
   were going to be releasing him or admitting him, no.
4
5
        Do you recall any tests that were taken that night besides
   just checking, I believe you said, his knee?
7
        No, ma'am. Like I said, when we -- we also checked him
   for mental health issues is the reason why they cleared him
9
   psychologically, to make sure there was nothing going on there.
   Once they do that, they do lab work and other stuff. I didn't
10
11
   ask about his medical history.
12
        Was there any tests dealing with his blood alcohol content
13
   or anything of that nature?
14
        I don't know if they did. Like I said, I did not get his
15
   records.
             They normally do, but I do not have that.
16
             MS. PRYOR: No further questions, Your Honor.
             THE COURT: Any redirect?
17
18
             MR. RAMASWAMY: Briefly, Your Honor.
                         REDIRECT EXAMINATION
19
20
   BY MR. RAMASWAMY
        Counsel asked you about certain businesses and whether or
   not they were open in this time frame. Are there residences
```

- 21
- 22
- 23 along this trail?
- 24 It is. Α
- 25 Were there residences close to the trail?

```
1
        There are.
   Α
        Are there residences where there's no obstruction between
2
   the residence and the trail?
3
        Yes, sir.
4
5
        And this did, in fact, come in on a call of a report of a
6
   naked man; correct?
7
        Correct.
8
             MR. RAMASWAMY: No other questions.
9
             MS. PRYOR: I just have a follow-up on that.
10
             THE COURT:
                         All right.
11
                          RECROSS-EXAMINATION
12
   BY MS. PRYOR
13
        Were any pictures taken in front of any houses?
14
        Not on the camera that I saw, no.
15
        And the residences that he mentioned, are those residences
   behind trees on the trail?
16
        There's some that back up to it that you can see the trail
17
   from, along with -- the original call that came in, the trail
18
19
   actually runs right up the side of the road where the original
20
   call came in.
        And did that call come in from a resident?
21
22
        No, it was a passerby in a car.
23
             MS. PRYOR:
                         Thank you. No further question.
```

scene there the first time?

THE COURT: What time did you say you were on the

24

```
1
             THE WITNESS: The original call came in at 3:15, and
   I had Mr. Hill in custody at 3:22.
             THE COURT: Any further questions from counsel?
3
 4
             MS. PRYOR: No, Your Honor.
5
             THE COURT: Thank you. You may step down.
6
         (At 4:26 p.m. witness excused.)
7
             THE COURT: Any other evidence?
8
             MR. RAMASWAMY: Not from the Government, Your Honor.
9
             THE COURT: Any evidence from the Defendant?
10
             MS. PRYOR: Yes, Your Honor. I would like to call
11
   Officer Jason McMurray, Your Honor.
12
   JASON MCMURRAY, DEFENDANT'S WITNESS, being first duly sworn,
13
   testified as follows at 4:26 p.m.:
14
                          DIRECT EXAMINATION
15
   BY MS. PRYOR
16
        Could you state your full name for the Court.
   A Yes. Jason McMurray.
17
        And where do you work?
18
        I'm a United States probation officer employed in the
19
20
   Western District of Virginia in the Roanoke Division.
21
        How long have you been with the police -- I mean the
   probation office?
22
23
        Over 10 years.
24
        Okay. And did you have the occasion to supervise
25
   Mr. Brian Hill?
```

#### **EXHIBIT PAGE 43 OF 337**

- 1 A Yes, sir, I have supervised him Mr. Hill since about
- 2 July 1, 2015.
- 3  $\mathbb Q$  Okay. And as long as you have been supervising Mr. Hill,
- 4 has he had any infractions besides the one that we are
- 5 presently here for today?
- 6 A The only one was when shortly after he was released from a
- 7 prior revocation hearing, for which he was not revoked, he was
- 8 referred to sex offender specific treatment. After a short
- 9 time of enrollment, the counselor advised that he was not
- 10 amenable to treatment and recommended that he be terminated. I
- 11 advised the probation office in this district, who had, in
- 12 turn, advised the Court, and the determination was made that if
- 13 he was otherwise stable with no other concerns or issues, we
- 14 could just continue with supervision.
- 15 Q Okay. And so he continued on supervision.
- Did he have the occasion to attend any mental health
- 17 | treatment?
- 18 A He saw a private counselor named Preston Page that was
- 19 paid for by his Medicaid, I do believe. He maintained contact
- 20 with Mr. Page, and I would check with Mr. Page occasionally to
- 21 | see how things are going.
- 22  $\mid$  Q Are you aware that Mr. Hill is diagnosed with autism?
- 23 A I am aware, yes.
- 24 Q And with your reaction and your interaction with him, have
- 25 you found -- have you found to determine that you do see some

- 1 level of weaknesses when it comes to -- when it comes to your
- 2 communication with him?
- 3 A Sometimes it can be difficult to communicate with
- 4 Mr. Hill. So I have on many occasions -- he resides with his
- 5 mother, and I have spoken with Roberta, is his mother's name,
- 6 to see how things are going. And Mr. Hill has always been
- 7 respectful. It is hard to communicate with him on --
- 8 sometimes, but I will speak with his mother, and I have spoken
- 9 with his grandparents on occasion as well.
- 10 Q Okay. And when you've talked to Mr. Hill, I think you
- 11 stated it, has he been respectful with you?
- 12 A He has.
- 13 Q And did Mr. Hill tell you -- did you get an opportunity to
- 14 speak to him about this particular violation hearing?
- 15 A In what regard?
- 16 Q Just has he talked to you about what happened or anything,
- 17 that he spoke to the police officers and that nature?
- 18 A When he was incarcerated, he had submitted some letters.
- 19 We have not spoken face to face or on the telephone regarding a
- 20 violation.
- 21 Q And other than this violation that we're here today,
- 22 Mr. Hill, to your recollection, has been in compliance with all
- 23 of the conditions of his release?
- 24 A He's been in compliance since I have supervised him until
- 25 his arrest.

#### **EXHIBIT PAGE 45 OF 337**

```
1
        Okay. Did you --
2
             MS. PRYOR: Can I have one moment, Your Honor?
             THE COURT: Yes.
3
4
         (Pause in the proceedings.)
   BY MS. PRYOR
5
6
        Do you recall what date he was arrested for these matters?
7
        September 21, 2018.
8
        Okay. And do you recall what date the federal -- that the
   federal Government -- or, let me say, the probation office
10
   filed their violation?
11
        I'm not aware of the exact date that the petition in North
12
   Carolina -- this district was filed, but I notified the
13
   probation office, and they proceeded to request the violation
14
   warrant. I'm not exactly sure of the date.
15
        Okay. And do you recall whether Mr. Hill, once he was --
   once he was found quilty in Martinsville, did the Federal
16
   Government have a hold on his -- on his detainer?
17
        That is correct, because he was brought into magistrate
18
   court in Roanoke for his initial appearance on the violation
19
20
   proceedings.
21
        Okay. And can you tell the Court what happened at the
22
   particular proceeding? Did you attend that proceeding?
23
        Yes, ma'am, I did.
24
        First, did you attend that proceeding?
```

Yes, ma'am, I was there.

#### EXHIBIT PAGE 46 OF 337

- 1 Q And can you tell the Court what the judge recommended
- 2 based on that proceeding that day?
- 3 A This took place on December 26, 2018. Magistrate Judge
- 4 Ballou ordered that he be sent to Butner for a psychological
- 5 evaluation.
- 6 Q And how many days was he supposed to be at that -- or go
- 7 through that process?
- 8 A He was not returned to court until May 14th of this year,
- 9 2019.
- 10 Q Okay. After he returned May 14th of this year, was he
- 11 released at that time?
- 12 A Yes, ma'am, he was.
- 13 Q Okay. And he was released back home?
- 14 A Yes, to the home that he shares with his mother.
- 15 Q And did that Court find that he was not a flight risk at
- 16 | the time?
- 17 A Yes.
- 18 Q And since he's been home, I believe you said May 14, 2019,
- 19 has he been in violation of that particular conditions of that
- 20 release?
- 21 A No, ma'am.
- 22 Q Okay. And based on that release, that was -- based on
- 23 that release on May 14, 2001 [sic], have you had a chance to
- 24 visit him at home?
- 25 A Yes, monthly.

```
1
             MS. PRYOR:
                         No further questions, Your Honor.
2
             THE COURT:
                         Any cross?
3
                           CROSS-EXAMINATION
   BY MR. RAMASWAMY
4
5
        You mentioned previously that Mr. Hill's sex offender
   treatment or counseling was terminated because he was found not
6
7
   to be amenable to treatment; correct?
        Yes, sir.
8
   Α
9
        Do you know what the nature of that was?
10
        Yes, I do. Dr. Keith Fender of Radford Counseling advised
11
   that in group treatment Mr. Hill was not accepting
12
   responsibility for his underlining charge -- or conviction,
13
   rather, and that that would be a detriment to the group, and
14
   they determined that he should be removed from group, because
15
   part of that is that you accept responsibility and you work
16
   through what they call a workbook, which is a quite lengthy
17
   piece of material. So it was determined to remove Mr. Hill
   from the group.
18
        And counsel asked you if you had spoke to Mr. Hill about
19
20
   this incident. Did Mr. Hill admit the conduct in this
   violation, the conduct of this hearing?
21
        We did not -- we have not spoken face to face. I have not
22
   asked him whether he committed the offense. He had written
23
   letters when he was in prison discussing the story that we
24
25
   heard previously about the individual asking him to take the
```

- 1 pictures.
- 2 Q Let me ask you -- I believe it's Government's Exhibit 8
- 3 was the monthly supervision report for the month of
- 4 August 2018.
- 5 A Yes, sir.
- 6 Q Have you -- did you previously see that exhibit?
- 7 A Yes, I have previously seen the exhibit.
- 8 Q Had you seen it before today?
- 9 A It is a copy of our monthly supervision report, which we
- 10 receive timely every month from Mr. Hill, and it was
- 11 representative of one that he sends me every month.
- 12 Q As far as being a registered sex offender and the
- 13 conditions of his supervision, would that prevent him from
- 14 going to parks and places where children congregate?
- 15 A I would have to review his conditions of supervision, but
- 16 our standing order in the Western District of Virginia would
- 17 require permission for someone to go to places that are
- 18 primarily used by children.
- 19 Q Did Mr. Hill ever seek such permission in relation to the
- 20 Dick and Willie Passage?
- 21 A In the past, he has asked for permission during the
- 22 daytime hours to go on the trail to take pictures of wildlife
- 23 and nature.
- 24 Q Now, the probation office's recommendation in this case is
- 25 revocation; correct?

```
1
        That's correct.
2
        Has that changed, to your knowledge, since the time the
3
   report has come up?
        To my knowledge, it has not.
4
5
             MR. RAMASWAMY: No other questions.
6
             THE COURT: Any redirect?
7
             MS. PRYOR: Yes, just one.
8
                         REDIRECT EXAMINATION
   BY MS. PRYOR
9
10
        Did -- we've mentioned about the sexual offense program.
11
   Was there a workbook that was provided to Mr. Hill?
12
        To my knowledge, there was, and he completed it very
13
   quickly, which the workbook, as it's been explained to me, it
14
   takes quite some time to complete. There are numerous phases
15
   that you must go through, and it's not something that can be
   completed without presenting the material to the group and
16
   receiving feedback. It's not something that can be completed
17
   in a couple of weeks or even a month.
18
19
        Okay. And every time that Mr. Hill has went out, Mr. Hill
20
   does inform you that he is traveling, or any of that nature;
21
   correct?
22
        Yes, ma'am.
23
             MS. PRYOR: Thank you. No further questions, Your
24
   Honor.
```

You may step down, sir.

THE COURT:

```
1
         (At 4:37 p.m., witness excused.)
2
             THE COURT: Any other evidence for the Defendant?
             MS. PRYOR: Yes, Your Honor.
3
             THE COURT: All right.
 4
5
             MS. PRYOR: I call Ms. Roberta Hill, Your Honor.
   ROBERTA HILL, DEFENDANT'S WITNESS, being first duly sworn,
7
   testified as follows at 4:37 p.m.:
8
                          DIRECT EXAMINATION
   BY MS. PRYOR
9
        Can you tell us your name for the record.
10
11
       Roberta Ruth Hill.
12
        And what is your relationship with Mr. Brian Hill?
   A I'm his mother.
13
14
        Okay. And where does Mr. Hill stay in comparison to where
15
   you stay?
16
        In the apartment below my apartment at 310 Forest Street,
17
   Apartment 2.
        And so is this a type of duplex type of home?
18
19
       Yeah, it is.
20
        Okay. And so do you work during the daytime?
        No. I'm at home, and I can check on him any time during
21
22
   the day and night.
23
        Okay. And so at one time, you guys were having some
   issues in the same home that Mr. Hill lives in dealing with the
24
25
   chimney; correct?
```

#### EXHIBIT PAGE 51 OF 337

- 1 A Yes. There was damage in his apartment with water damage
- 2 on his wall and ceiling in his living room.
- 3 Q Did you call someone to get that fixed?
- 4 A Yeah, I did.
- 5 Q Do you recall what the name of that company was that you
- 6 called to get that fixed?
- 7 A No, I can't recall the name of the company.
- 8 Q Do you recall how much you paid for getting it fixed,
- 9 getting the chimney fixed?
- 10 A They put -- he found out that it had been -- are you
- 11 talking about the first time before --
- 12 Q Yes, I'm talking about the first time that you got your
- 13 home --
- 14 A Yeah, that was \$300 to get it fixed. I was trying to keep
- 15 birds from going into the chimney.
- 16 Q Okay. And so you had a professional come out to get that
- 17 fixed?
- 18 A Yes.
- 19 Q And was there an occasion that you had that same
- 20 professional come back out to review it because of some issues
- 21 that you stated?
- 22 A Yeah, there was another fireplace company that came out to
- 23 take a look at it in January 30 of 2019.
- 24 Q Okay. And when they came out to fix it, did they tell you
- 25 of anything that might have been happening in the home at the

#### EXHIBIT PAGE 52 OF 337

## Direct -- Roberta Hill

- 1 time?
- 2 A Yeah, he said that he found out that all three flues of
- 3 the chimney had been completely sealed off, and that means that
- 4 my furnace and hot water heater was venting out through our
- 5 apartments into -- he said that we would have had carbon
- 6 monoxide coming into our apartments.
- 7 Q Okay. And do you recall what date that you had that
- 8 particular professional come out and say that?
- 9 A January 30, 2019.
- 10 Q Okay. And Mr. Hill was -- and you do recall that Mr. Hill
- 11 was arrested for indecent exposure in Martinsville, Virginia?
- 12 A Yes.
- 13 Q Okay. And do you recall what that date was?
- 14 A September 21, 2018.
- 15 Q Okay. Did Mr. Hill -- and do you recall Mr. Hill having a
- 16 trial in Martinsville, Virginia?
- 17 A Uh-huh.
- 18 Q And were you present for that trial?
- 19 A Not the first trial. I was present for the trial in
- 20 December, December 21, I think.
- 21 Q Okay. Did he get a chance to come home?
- 22 A No, he did not.
- 23 Q Okay. And do you recall the first time that Mr. Hill got
- 24 | a chance to come home after that particular -- after the first
- 25 | time he was arrested?

#### **EXHIBIT PAGE 53 OF 337**

- 1 A He came home on May 14, 2019.
- 2 Q Okay. And did Mr. Hill -- do you recall if Mr. Hill went
- 3 to the doctor any time in between that time?
- 4 A Yeah, he fell down one night. I guess he passed out and
- 5 hit his head on a desk in his office and managed to somehow get
- 6 back to his bedroom and fall asleep and whenever -- I set my
- 7 | alarm at 4:30 in the morning to check on him, check his blood
- 8 | sugar. I went down there. I saw all the blood on the pillow
- 9 and realized something had happened, checked his blood sugar,
- 10 treated an insulin reaction, and then I called 911 because I
- 11 didn't know what had happened to him, and I saw that there was
- 12 a gash above his eye. So the paramedics came out. They
- 13 recommended for him to go to the hospital. He refused to go in
- 14 the ambulance. So it took four hours for him to go through his
- 15 OCD routines before I could get him to the emergency room.
- $16 \mid Q$  Do you recall when that occurred, about the date when that
- 17 occurred?
- 18 A That was during the winter, right after I first got the
- 19 chimney fixed to keep birds from going into the chimney. It
- 20 happened right after that.
- 21 Q Okay. And you stated that it took about four hours for
- 22 you to get him to the hospital. I believe you mentioned OCD?
- 23 A Yeah, he has obsessive-compulsive disorder, and he does
- 24 | lengthy hand-washing routines and shower routines.
- 25 Q Okay. And how long has he been doing that?

## EXHIBIT PAGE 54 OF 337

- 1 A He's been doing that since he was in 6th grade.
- 2 Q Okay. And is Mr. -- has Mr. Hill been diagnosed with
- 3 | autism?
- 4 A Yes.
- 5 Q When was he diagnosed with autism?
- 6 A When he was four years old, he was diagnosed by Teacch in
- 7 Greensboro.
- 8 Q And does he have -- and based on him being diagnosed with
- 9 autism, do you have difficulty communicating with him?
- 10 A Yeah.
- 11 Q And what do you -- tell the -- can you tell the Court what
- 12 that means for you and your family?
- 13 A Yeah, communication problems. Sometimes when I try to
- 14 explain something to him, he doesn't quite understand what I'm
- 15 | saying, or he's unable to see my perspective, and sometimes he
- 16 | will get a little upset about it, which isn't unusual for
- 17 people with autism. So I have to further explain things, or I
- 18 have to be quiet and let him cool down --
- 19 Q Okay.
- 20 A -- before I can talk to him.
- 21 Q Does he get treatment for autism?
- 22  $\mid$  A No. There really -- when he was a kid, he was put on two
- 23 or three different medications that never really helped him.
- 24 | So we had -- Teach was coming out to help a little bit with
- 25 the school, but other than that --

- 1 Q Does he get any treatment now for any mental health or
- 2 | autism now?
- 3 A No, not for the autism. He is going to a counselor.
- 4 Q Okay. And what does he go to the counselor for?
- 5 A He goes to Piedmont Counseling a couple times a month
- 6 because that's what they wanted -- a condition of his bond.
- 7  $\mathbb{Q}$  And does he -- is he taking any medication at this time?
- 8 A Yeah, he's taking a medication to help with the OCD and
- 9 anxiety. I think it's called Zoloft. I'm not sure.
- 10 Q Okay. That's okay.
- 11 And as far as -- you mentioned carbon monoxide. Is he
- 12 taking any -- do you recall if he took any medication for the
- 13 carbon monoxide treatment?
- 14 A No, no, he didn't. We didn't know until four months after
- 15 he was arrested that we had carbon monoxide in our home.
- 16 Q Okay. And once you found out that you had carbon monoxide
- 17 | in your home, have that been treated in your home at this time?
- 18 A Yeah, we got it fixed. He unplugged the flue that went to
- 19 the heater and the hot water heater, and he put a chimney cap
- 20 on the top. So we don't have any more problems with that.
- 21 And, plus, we got two carbon monoxide detectors in my apartment
- 22 and in his apartment.
- 23 Q Okay.
- MS. PRYOR: I have no further questions, Your Honor.
- 25 **THE COURT:** Any examination from the Government?

```
1
             MR. RAMASWAMY: Yes, Your Honor.
2
                           CROSS-EXAMINATION
   BY MR. RAMASWAMY
        Ms. Hill, you're pretty familiar with your son's case;
5
   correct?
6
        Yes.
7
        He files things pretty frequently with the court?
8
  Α
        Yes.
9
       Do you assist him with that?
10
        No. That's his -- I'm not even into legal stuff. He's
11
  the one that works the legal information, other than I might
12
   look up information for him.
13
        You're saying you don't read what he files?
14
        Sometimes, not all the time because sometimes he's
15
   impulsive, and he does it in the middle of night when I'm
16
   sleeping, so, no.
17
        Well, if he's filing things in the middle of the night,
18
   does he have Internet access?
19
        No, he does not. He faxes.
20
       He faxes them?
       Uh-huh.
21
   Α
22
        Some of these things are -- they're filed online, though,
23
   aren't they?
24
        No.
   Α
```

Are you familiar with his story that someone forced him to

- 1 take these pictures?
- 2 A Yes, I am.
- 3 Q That's a story that he repeated for some time, wasn't it?
- 4 A Yes.
- 5 Q And it's also in documents that he filed with the court,
- 6 isn't it?
- 7 A Yes.
- $8 \mid Q$  And at some other time, we have his story that carbon
- 9 monoxide was to blame; correct?
- 10 A Right.
- 11 Q Does that coincide about when Mr. Hill found out there was
- 12 a probation report on the same memory card?
- 13 A I don't know.
- 14 Q You live in the same house with Mr. Hill; correct?
- 15 A I'm in the apartment above his apartment.
- 16 Q It's a house?
- 17 A Yes, connected.
- 18 Q Yes. You live in the same house with Mr. Hill; correct?
- 19 A Yes.
- 20 Q And you claim -- or you're stating there was some type of
- 21 carbon monoxide problem for which you're trying to relate
- 22 Mr. Hill's conduct on September 21, 2018; right?
- 23 A Right. I saw some things with his behavior prior to that
- 24 time, that I didn't know what was going on, but I thought that
- 25 he was acting oddly. But, also, I was being exposed, too, and

```
I had some problems that I was dealing with, and I didn't
   understand what was going on.
        So this wasn't fixed until, I believe you said,
   January 30, 2019; correct?
 5
        That's whenever it was inspected and we found out about
 6
   the problem, and he removed the tin, yes.
 7
        So from September 21, 2018, to January 30, 2019, if you
   had such a problem, nothing was done to fix it; right?
 9
        Right.
   Α
10
             MR. RAMASWAMY: No other questions.
11
             MS. PRYOR: Just a follow-up.
12
                         REDIRECT EXAMINATION
   BY MS. PRYOR
13
14
        So from September of 21, 2019 -- I mean, 2018, to, I
15
   believe you said, January of 30 of 2019, did you see some
   problems in your home that was happening?
16
17
        Yeah. The water damage in my son's apartment got
   increasingly worse. The ceiling started falling down.
18
19
   didn't know what was going on because my apartment is right
20
   above his, and I wasn't getting any water damage. So I thought
   initially it has to be the foundation. So I called the
21
   foundation place, and they could only come three months later.
22
   So I waited for that, and they said it's not the foundation.
23
24
   They thought maybe it's the chimney or the roof. I got a
25
   roofing company in. They recommended putting a chimney cricket
```

- in front of the chimney. They thought that would stop it. I got that done. That didn't stop it. So then I called a fireplace expert out to take a look at it, and he found out that it had been sealed up. 5 And also -- you mentioned that there was also some things that were affecting Mr. Hill during that time that you couldn't figure out. Can you describe some of those things for the Court? 9 He was saying that he couldn't think, he couldn't focus, 10 and he was extremely tired. I also was extremely tired, and I 11 didn't know why. I was complaining to my parents. So both of 12 us were complaining about things like not being able to think 13 clearly. 14 Okay. 15 MS. PRYOR: No further questions, Your Honor. 16 MR. RAMASWAMY: One follow-up. 17 RECROSS-EXAMINATION BY MR. RAMASWAMY 18 Would those things happen more often when you were inside 19 20 the home with the carbon monoxide? 21 Α Yes. 22 You've heard the testimony about the conduct; correct? 23 Α Yes.
- 25 A Yes, but, I mean, I was always tired for that period of

That happened outside, didn't it?

```
time. So, I mean -- and my son was constantly complaining
   about not being able to think. I can't really say that that
   was inside the house or outside the house. It was just
   continually during that time span that we were having problems.
5
        As a matter of fact, the testimony showed, based on the
   camera card time, he was outside for several hours on
7
   September 21, doesn't it?
        Yeah.
8
   Α
9
        That's not consistent with inhaling carbon monoxide, is
10
   it?
11
        Well, from what I've read online, it can cause a lot of
12
   different problems. That can -- it could affect your
13
   neurological system. I also was having a lot of head shaking
14
   going on. My parents noticed that. So it can affect
15
   neurological problems in the body.
16
             MR. RAMASWAMY: No other questions.
17
             THE COURT: All right. You may step down.
        (At 4:51 p.m., witness excused.)
18
19
             MS. PRYOR: No further evidence, Your Honor.
20
             THE COURT: Since the Government's got the burden
   here, I would be happy to hear from the Government.
21
22
             MR. RAMASWAMY: Your Honor, in this case, the
   violation is the Defendant committed the criminal violation of
23
24
   the Virginia Code for indecent exposure. I have given the
25
   Court the statute, but, here, if it had only been the phone
```

```
call and the arrest, that's one thing, but we have a series of
2
   photographs which are just plainly inexplicable.
             As to the violation itself --
3
             THE COURT: Let me ask a question about the
4
5
   photographs. They are taken from a distance. How does
6
   somebody take a photograph from a distance like that?
7
             MR. RAMASWAMY: I would ask the Court to note a
   couple of things. One is the officer's testimony about
9
   flashlights. He had two flashlights. And, second, in the
10
   vantage point of the photographs themselves, note the proximity
11
   of the ground, and it would be our contention the camera is
12
   simply set on the ground and a timer is used. As a matter of
13
   fact, some of them appear to be retakes. Where Government's
14
   Exhibit 1, for instance, the top right photo, sanyo096, is too
15
   dark, the next photograph in sequence sanyo097 is well lit.
16
   effect, it supports the inference that he repositioned the
   lights in order to more clearly take the photographs.
17
             There's no one else depicted in these photographs.
18
19
   In every one of them, they appear to be taken with the camera
20
   set on the ground.
21
             THE COURT:
                        All right.
22
             MR. RAMASWAMY:
                             In this case, as to the conduct
23
   itself -- I'm not at this point addressing anything else -- two
24
   things. His initial story is clearly impossible, that someone
25
   gave him a camera and told him to take these pictures under
```

```
threat of his family, the fact that his violation -- his report
   to his probation officer is found on the same memory card with
   him being shown as the author, the conduct for a registered sex
   offender convicted of child pornography offenses to be naked,
5
   not just exposing himself -- this would be a different matter
   if Mr. Hill had simply been walking and chose to relieve
   himself and could have technically violated the statute, but
   Mr. Hill was wearing socks, sandals, and a hat, and that's all.
9
             As shown on Government's Exhibit 7, the map with the
10
   annotations, the photographs are taken some distance away, not
11
   only from his residence, but where he was observed and reported
12
   to the police naked and where he's arrested, that the duration
13
   of the conduct, the nature of the conduct, photographing the
14
   conduct for whatever reason all support the violation.
15
   would ask that he be found in violation.
16
             THE COURT: All right.
17
             Ms. Pryor?
             MS. PRYOR:
                         Thank you, Your Honor.
18
             Your Honor, we, of course, would ask that he does not
19
20
   be found in violation, Your Honor. As you've had the
   opportunity to hear, Your Honor, the statute does indeed state
21
   that every person who intentionally makes an obscene display or
22
23
   exposure of his person shall be found quilty of a Class 1
   misdemeanor.
24
25
             Your Honor, I believe that we presented evidence here
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today that would discredit the intent of the party, or the
   intent of Mr. Hill. One of the elements that we are faced here
   with is the intent element here. Your Honor, I believe that
   the Government, one, has not provided the intent and, two, that
   this Court has the opportunity to determine the facts that were
5
   presented today to determine whether the intention of the party
   was to make an obscene display or expose himself -- exposure of
   himself.
9
             Your Honor, you had the opportunity to hear from his
10
   mother, who stated that at the time of this incident that there
11
   has been evidence that there was some carbon monoxide that had
12
   been displayed in their home, and based on that, Your Honor,
13
   she went further to state that in her research, Your Honor,
14
   when it comes to carbon monoxide, that based on that research,
15
   that it does causes some level of delusion, some level of --
   they even talked about -- she even discussed possibly that they
16
   were beginning to have some headaches, that there were some
17
   things that --
18
19
             THE COURT: How do I rely on that in this hearing?
20
   That's hearsay, and it's --
21
             MS. PRYOR: It is hearsay.
22
                         I mean, it's not -- it's scientific
             THE COURT:
23
   evidence, and there's no indication she's qualified to -- I
24
   don't even know what her source was, whether it was Wikipedia
   or what have you. So I am concerned about whether there's
25
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enough scientific foundation for any conclusions about the effect of carbon monoxide.
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MS. PRYOR: Your Honor, we do understand that, Your Honor, but the factual part of what she did state was the things that affected her, Your Honor, and the things that she did, who has been his caretaker — the things she saw affect him.

So, Your Honor, we would state that there was some level of affect that was going on that can be determined just to Mr. Hill presently, Your Honor, that would show some level, and then to actually have the evidence that there was some carbon monoxide and to begin to start the process of fixing it.

So, Your Honor, we would state that Mr. Hill, based even on this -- based on this statute, that the intent factor has not been met here today, Your Honor, and that he should not be found in violation of his release conditions, Your Honor.

THE COURT: Okay. I am going to find that the preponderance of the evidence demonstrates that Mr. Hill did violate the condition of release by violating the Virginia Code 18.2-387. As the officer testified, it's actually the local version, but it's apparently the same statute, and that's what he's charged with in that he did intentionally expose himself and make an intentional either obscene display and actually exposure — intentional exposure of his person. The photographs are evidence of that.

```
He's also seen, by the officer's independent
1
   testimony, to have been naked at the time and was running
   around the neighborhood. So I credit the testimony of Sergeant
   Jones and find him to be credible and that about September 21,
   2018, that the Defendant was naked and running around
5
   Martinsville, Virginia, taking pictures, which are indicated in
7
   the Government's exhibits.
8
             As to the testimony about intent -- or the argument
   about intent, the evidence on a preponderance basis
9
10
   demonstrates that Mr. Hill intended to do this. The story
11
   about him being forced to do this by another individual finds
12
   no support in the record. It's also inconsistent with some of
13
   the information that's testified to by Sergeant Jones, who -- I
14
   went back and was just checking his testimony, who did say that
15
   the other individual, the male, asked him to -- or demanded he
16
   take pictures. There's no testimony by anybody that there was
17
   any kind of threat like that made, and the camera that
   allegedly was given to Mr. Hill to take these photos, it
18
19
   strikes me as virtually impossible that it would contain a copy
20
   of the Defendant's own court records. So that's inconsistent
   with that story as well.
21
22
             So I'm going to find the preponderance of the
   evidence demonstrates the Defendant violated Virginia law by
23
24
   indecently exposing himself at the time alleged. So I'm going
25
   to find as well that the violation was willful and without
```

```
lawful excuse.
2
             He originally was convicted of a Class C felony.
   He's a Criminal History Category I. This is a Class C
   violation. The guidelines provide a 3- to 9-month advisory
5
   imprisonment range. The most that can be imposed on him is 24
   months.
7
             As to supervised release, the original term of
   supervised release available under the statute is, I believe, 5
   years to life. He had had 10 years of supervised release
10
   imposed by Judge Osteen, but the term that's available could be
11
   5 years to life under the statute.
12
             I will say it would be my intention to work off the
13
   10 years and work -- and consider nothing more than the 10
14
   years that Judge Osteen -- that's the maximum that I would
15
   consider for supervision. Does that make that clear?
16
             MS. PRYOR: Thank you, Your Honor.
17
             THE COURT: That would be my intention, but I would
   be glad to hear from you all as to that.
18
19
             So do you agree or disagree that those are the proper
20
   guidelines?
             MS. PRYOR: That was the proper guidelines, Your
21
22
   Honor.
23
             THE COURT:
                         Mr. Ramaswamy?
24
             MR. RAMASWAMY: Yes, Your Honor.
25
             THE COURT:
                         So I've got about 10 minutes, and we can
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continue this, if we need to, in the morning or on another date. I would be happy to hear from you as to an appropriate disposition in this case.
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MS. PRYOR: Thank you so much, Your Honor.

Your Honor, today we are asking Your Honor -- I would note, and I think you heard on testimony as well, that Mr. Hill was on a federal detainer. I believe it began on December -- we tried to come to a date about, but I believe it was around December 21 of 2018, and he was held into custody until May 14 of '19. So, Your Honor, that's give or take about 6 months already.

This violation, as you note from the guidelines, Your Honor, is a -- falls within that period of time, Your Honor. I believe 6 months is, I believe, in the revocation that they were asking for. It was around the middle, which would put us right at that 6-month period.

Your Honor, we would ask that you would give him credit for time served for that particular time, to continue him on supervised probation that you've -- I mean, I'm sorry, supervised release, Your Honor, pending that, but, Your Honor, I do believe that he has served and he was -- as we can recall, he was on that detainer, Your Honor. He could not leave, of course, or if he even -- with the bond. So we can conclude that he definitely was on a federal detainer at that time. He did get released on conditions from the Virginia -- from

```
Virginia, and so that would also conclude that he did have that
   time and it was through the Federal Government.
3
             THE COURT: Will the Bureau of Prisons give him
4
   credit for the time that he was sent to Butner as time-served
   credit or not?
5
6
             MS. PRYOR:
                         I'm not sure, Your Honor. I actually
7
   called the Bureau of Prisons before so I could know that
   answer. That was actually my question as well. Your Honor,
   I'm not sure how that process works, and I was waiting on
10
   someone to call me back from the Bureau of Prisons.
11
   believe the attorney was supposed to call me back in order to
12
   conclude that or give us an estimation of whether the Bureau
13
   does consider time when you're determining competency, whether
14
   that time is conclusive or does it even give them credit for
15
   that when it comes to a sentencing term.
16
             So, Your Honor, I don't have that answer. I would
   like to, of course, get that answer, Your Honor, because as I'm
17
18
   standing here asking for you to use it as credit, I can't
19
   factually or be able to --
20
             THE COURT: I understand.
21
             MS. PRYOR: Okay. Thank you.
22
             THE COURT:
                         Anything further?
23
             MS. PRYOR:
                         So, Your Honor, I would ask -- of course,
24
   that is the sentence that they have requested, but, Your Honor,
25
   we would ask the Court for the bottom of the guidelines, Your
```

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Honor.
2
             I would remind the Court that he does have autism.
   remind the Court that he has OCD. I remind the Court that he
   does have some debilitating health issues that he does have
   that deals with his diabetes.
5
6
             Your Honor, Mr. Hill in custody or in prison is very
7
   destruction to him as a person, who does see things and
   perceive things, of course, differently than we do as being on
   the autism spectrum.
10
             THE COURT:
                         Is he still in custody now?
11
             MS. PRYOR: He is not in custody now.
12
             THE COURT: He was released May 14?
13
             MS. PRYOR: He was, Your Honor.
14
             THE COURT: From Butner?
15
             MS. PRYOR: No, he was released from court, Your
   Honor. He actually got out of Butner I believe it was around
16
17
   February, and then he was -- then he went back to court, and
   then he was released on conditions.
18
             THE COURT: So he was released from Butner in
19
20
   February?
21
             MS. PRYOR: He was released from Butner in February.
   They sent him to another custody situation, I guess, just in
22
23
   the process, and some things -- and this is why I bring this
24
   up, too. Because of his autism, he has some issues in the jail
25
   with one of the wards, and they were supposed to send him back
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directly after, but they put him in some level of solitary in
   another jail.
3
             All in all, he didn't get back, of course, until
   May 14, and so that's why I stand here and ask for the credit,
5
   because I would hope that the Court would -- and I say that
   because we do understand that you've made that he has violated
   this, and based on that, there is a punishment that must go
   with it; but, Your Honor, I would state because of his
   condition and because of OCD and because of autism, the courts
10
   and BOP, having to learn to deal with someone with autism, I
11
   don't believe that they are there yet, which makes it difficult
12
   on the person. And because of -- you know, because of that,
13
   Your Honor, I would ask that if you do find that you want to
14
   sentence him, there are some other alternative ways of
15
   sentencing him. He's been successful, as you heard from his
16
   probation officer, being at home, home detention where he
17
   cannot leave --
                         Before you go on further, let me just see
18
             THE COURT:
   what the Government's position is, but I don't know if they're
19
   opposing. He's essentially been incarcerated now for close to
20
   6 months, in some form or another.
21
22
             Are you opposing some kind of sentence that would be
   in effect a time-served sentence?
23
24
             MR. RAMASWAMY: Yes, Your Honor.
25
             THE COURT:
                         Okay.
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MS. PRYOR: And so, Your Honor, there are some other alternative ways of doing prison — or doing punishment. As you heard, Mr. Hill has been successful with being at home. He can be placed on home detention. He can have an electronic monitor. He can be placed on home detention for up to 6 months, even up to a year, if Your Honor so requires.
```

Him being at home, he has the opportunity to -- I mean, he won't have the opportunity to leave. His family does travel, and they do enjoy traveling. He won't have the opportunity to travel, some of the things that he takes -- some of the things that he enjoys doing.

Your Honor can also make it any other conditions that, of course, Your Honor would provide, but, Your Honor, I would ask because of what he — because he's been successful through his probation of showing that he is consistent about sending his report, he's consistent about contacting them, he's consistent about making sure that they know where he is at all times, he's consistent about being respectful to the officer, so I would state that having him at home with his family and even if — like I say, even if it's more closed in where he cannot leave the home I think would still satisfy the punishment that is here.

As you heard, he does -- I believe they stated that he walks that trail even during the daytime. So he does enjoy going outdoors. So having the -- where the Court would tell

```
him he could not go outdoors anymore is a punishment as well.
2
             So, Your Honor, I do believe that you can satisfy the
   factors here of the condition of him being at home on
   detention. Whether 6 months to a year, you can satisfy the
   condition of whether it would be a deterrence because, as you
5
   note, Mr. Hill does like to travel with his family. So that is
7
   the deterrence, that he won't be able to travel.
8
             And being with his autism, his mindset and what he
9
   thinks is differently than what it is for us or any other
10
   prisoner that we could sentence to custody. His punishment is
11
   just the violation, being sentenced to -- him being violated.
   That's the difference of the sentence that he gets here today.
13
             So, Your Honor, I would just ask that you would
14
   consider those other alternative ways of punishment today and
15
   that you would sentence him within the guidelines but through
16
   alternatives ways of doing it.
17
             THE COURT: All right.
             MS. PRYOR:
                         Thank you.
18
19
             THE COURT:
                        All right. Mr. Ramaswamy?
20
             MR. RAMASWAMY: Your Honor, I don't wish to
   prolong -- I don't wish to speak so long that the Court is
21
22
   going to miss any deadlines.
23
             THE COURT:
                        Well, how long do you want to speak?
   What is it the Government's arguing for?
24
25
             MR. RAMASWAMY: I would first say that the Defendant
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is a registered sex offender who spent at least three hours out
   that night naked, photographing himself for some unknown
   reason. And the Court has also heard testimony that there were
   other reports of a naked man in a stocking cap, and he's shown
5
   wearing a stocking cap prior to this, and that there were no
6
   such reports after Mr. Hill's arrest.
7
             This is not Mr. Hill's first violation. He was not
   revoked last time, and I'm not saying that would have been
9
   appropriate; but on these facts, it is completely appropriate.
10
   The probation officer is recommending the high end here.
11
   the Chapter 7 limits and not going into Protect Act, I would
   concur with that. I would ask the Court to sentence him to the
13
   9 months. I don't know if whatever time he spent in the
14
   evaluation counts. I can't say.
15
             THE COURT:
                         Should I take that into account?
16
   he was essentially locked up for 6 months.
17
             MR. RAMASWAMY: Yes. I'm not saying it's not
   appropriate that the Court take it into account, but I don't
18
19
   think simply telling Mr. Hill to stay at home and make him wear
20
   a monitor -- he's proven he can't self-regulate. He's
   consistently denied the offense conduct of the original
21
   offense, of the other violation. It's always some nefarious,
22
23
   outside force that makes Mr. Hill do things, now from someone
24
   handing him a camera until, here, carbon monoxide. Mr. Hill
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has consistently shown he doesn't take responsibility for what

```
he does, and he's inappropriate to trust in the form of
   self-regulation.
3
             THE COURT: What role does his autism play in all of
   this?
4
             MR. RAMASWAMY: I think we're all familiar with
5
   what's in the reports as to his mental state. More than the
   autism, there is the diagnosis of delusional disorder. That is
   in his prior records. I think the Court has dealt with persons
   with autism before, and that's a larger topic to get into than
10
   here. I think we've all been considerate. The Government, the
11
   Court, the Court in the original case, counsel has been
12
   considerate of the Defendant's mental condition, but on this
13
   conduct, there is an overriding concern of public safety.
14
             Even at the high end of what's recommended, it's
15
   likely lower than someone without Mr. Hill's condition would
16
   have gotten on these facts.
17
             THE COURT: So what's the punishment for this in
   Virginia? He's been convicted. What has he been sentenced to?
18
   Do you know?
19
20
             MR. RAMASWAMY: I don't know what the original
21
   sentence was.
22
             THE COURT: Ms. Pryor probably knows. What was his
23
   sentence?
24
             MS. PRYOR: Your Honor, he was given credit for
25
   time -- he was given credit for time served. I believe it was
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a 60-day sentence, Your Honor, because it's less than a year.
1
2
             THE COURT: Okay. Was that in addition to the 6
3
   months he was in federal custody?
 4
             MS. PRYOR:
                         No, that was not, Your Honor.
5
             THE COURT:
                         All right.
6
             MR. RAMASWAMY:
                             Thank you, Your Honor.
7
             THE COURT: Mr. Hill, is there anything you would
   like to say on your own behalf before I make a decision as to a
   disposition of your case? Let me say to you that you have no
10
   obligation to speak. You enjoy the right to remain silent
11
   under our Constitution. If you wish to remain silent, I will
12
   not hold that against you. On the other hand, if you would
13
   like to say anything before I make a decision, this would be
14
   the right time.
15
             THE DEFENDANT:
                             Respectfully, yes, I do, Your Honor.
   I would like to bring up that I have been involved in a 2255
16
17
   motion since 2017. If I have to admit guilt to something I did
   not do, I would be committing over five acts of perjury. So am
18
19
   I going to be required by the probation office to commits acts
20
   of perjury, because I kept saying under penalty of perjury, I'm
   innocent? I filed something that the guilty plea cannot be
21
   valid if I withdrawed it. The 2255 is still pending before
22
23
   this Court, and to force me to admit guilt to something I did
24
   not do is detrimental and puts me at risk of multiple perjury
25
   charges.
```

```
And the carbon monoxide -- I have a lot of proof,
Your Honor. I've got sinus tachycardia. I've got abnormal red
blood cell count, abnormal white blood cell count. All these
are in medical records, and the National Institute of Health --
my mom has documents from the National Institute of Health and
government agencies saying that carbon monoxide can be linked
to all kinds of problems that I had had last year, like
psychosis and hallucinations. And I have credible government
documents that all backs up everything I'm saying. That's why
I sent a letter to Martinsville Police Department on the
conduct, apologizing and saying that, look, carbon monoxide
caused this.
```

There might be a guy in a hoodie. There was a threatening greeting card that my mother did receive that said they will do a controlled action against my mother if she doesn't stop putting stuff on YouTube. If she doesn't stop what she's doing, they're going to commit a controlled action against her. That was July 2018.

Your Honor, there's a lot more evidence that couldn't be presented at this hearing. We needed more time. That's why I filed the notice of interlocutory appeal. We would have had witnesses to come and testify. We need more time, and I need to go through the state appeal because I am actually innocent. According to my lawyer, Scott Albrecht, the public defender of Martinsville, he said, you are innocent because you did not

```
engage in obscene-type conduct. And that means, you know, I
   never masturbated. I never did anything sexual. I was just
   naked. So he said that I am legally innocent under the
   Commonwealth of Virginia. That's why I'm appealing it so that
5
   I could be found actually innocent, and I plan to file a motion
   for the writ of actual innocence in Virginia. Even though it's
7
   normally sent to -- you know, felonies, I'm going to try to
   push for it, and I'm going to ask the Attorney General to have
   me found actually innocent because I am actually innocent.
10
             THE COURT:
                         All right, sir.
11
             Can I speak to the probation officers briefly,
12
   please?
13
        (Off-the-record discussion.)
14
             THE COURT: All right. I've already found by the
15
   preponderance of the evidence that the Defendant violated the
16
   valid conditions of his supervised release, and the violation
   was willful and without lawful excuse. I'm going to order that
17
   the supervised release term be revoked.
18
             I've considered the factors under 3553(a) that apply
19
20
   under 3583(e) in this case, and one of the factors is the
   nature and circumstances of the offense. Here, the Defendant
21
   was exposing himself throughout the city of Martinsville, and
22
23
   the photos are part of the record in this case, which indicate
24
   how he exposed himself, which is proof of the exposure, which I
25
   found to be a violation of the indecent exposure law in
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Virginia.
2
             Another factor is the history and characteristics of
   the Defendant. I've considered the multiple factors here
   indicated, including the Defendant's autism and his OCD, the
5
   diabetes, his age.
             And I'm concerned about deterrence because this is
6
7
   the second hearing we've had on revocation. The exposure in
   this case was intentional and purposeful. There's really no
   way to explain otherwise. He's running around naked, taking
10
   pictures of himself and posing for the pictures of his
11
   genitals, and he's doing it in the open in the public.
12
   would have thought he'd never have been caught by this is kind
13
   of hard to fathom, but maybe because it's 3:00 in the morning.
14
             I'm trying to take into account and give heavy
15
   deference to the fact that I know he has autism. On the other
16
   hand, he's extremely articulate in his various filings with the
17
   court and his allocution. Mr. Hill is very capable of
   explaining things. It may not always be rational, but he's
18
   capable of explaining things. So I am trying to distance all
19
20
   of that.
             In this case, I'm taking into account the fact that
21
   he's been in federal custody since December 21st.
22
23
             MS. PRYOR: Yes, Your Honor.
24
             THE COURT:
                         I'm going to impose the 9 months.
25
   within the guideline range that the probation office has
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8

9

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23

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recommended. That is the high end of the guidelines.
2
            As a practical matter, that's, I think, 3 months from
3
  now, roughly 3 months from now, because I am anticipating that
  he should be getting credit for all of his time since
5
  December 21st because he's been in federal custody. Whether
```

he's been at Butner being evaluated or wherever he was, he was 7 in still in federal custody.

So my sentence of 9 months is under the understanding that he's getting credit for his time since December 21. It's also acknowledging that he's been in state custody before that and was punished in state custody, but the violations of supervised release, generally speaking, run consecutive to state punishment. And in this case, I think that's an appropriate punishment.

The willfulness of this violation is what still strikes me. Even though I know he's autistic and he has issues, it's hard to deny the willful, intentional conduct here.

So I'm going to order that Mr. Hill be committed to the custody of the United States Bureau of Prisons for 9 months. As I've said, that's with the intention that that would essentially be running from December 21, 2018, to the present because he would be getting federal credit for that time.

I am going to reimpose 9 years of supervision in this

```
case under the same terms and conditions already disclosed in
2
   this case.
3
             All right?
4
             MS. PRYOR: Your Honor, I do have a question.
5
   attorney or -- once they do return my call, if they do not give
   him credit for that 5 months that he was in custody, is that
7
   still Your Honor's position?
8
             THE COURT:
                         No. My belief is he should get that
9
   credit. So my sentence is based on the understanding that he
10
   will be getting credit since then. What I guess I would tell
11
   you is it will take me a few days to get the judgment prepared.
12
             MS. PRYOR: Yes, Your Honor.
13
             THE COURT: I would encourage you to check with the
14
   Bureau of Prisons and be sure about that. If that's a problem,
15
   let me know, and under Rule 35, I think it is, I will regard
   that to be a mistake in fact.
16
17
             MS. PRYOR: That's correct.
             THE COURT: Unless there is an objection by the
18
19
   parties, I would consider making that change to reflect that.
20
             MS. PRYOR:
                         Thank you, sir.
21
             THE COURT:
                        Anything else? Have you had an
22
   opportunity speak -- oh, is he in custody now?
                        He is not in custody, Your Honor.
             MS. PRYOR:
23
24
             THE COURT:
                        He's been out of custody at the present
25
          Is this a case where he can self-report, and is there
   time.
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any objection?
2
             MS. PRYOR: Your Honor, that would be my request,
  Your Honor. His family did come all the way from Martinsville,
   Virginia, and the probation officer and him have a great, great
5
   relationship.
6
             THE COURT: Let me ask: Is there any objection to
7
   self-reporting?
8
             MR. RAMASWAMY: For the Government, I do oppose it,
9
   Your Honor. I understand Probation's position, if I'm not
10
   mistaken, is he be allowed to self-report.
11
             THE COURT: What is the Probation's view?
12
             THE PROBATION OFFICER: Your Honor, he's followed
13
   instructions thus far. I don't see why he wouldn't now.
14
             THE COURT: Is he on location monitoring?
15
             THE PROBATION OFFICER: No, sir, not at the present
16
   time.
17
             MS. PRYOR: Your Honor, we have no objection to him
   being on location monitoring, but I would ask that he does
18
   self-report. He's never had an issue with Probation.
19
20
             THE COURT: I'm -- given the myriad of factors in
   this case -- he's still living with his mother; right?
21
                        He does.
22
             MS. PRYOR:
23
             THE COURT: I'm going to find he's not likely to flee
24
   or pose a danger to the community under circumstances where
25
   he's on GPS monitoring. So I'm going to add a condition to his
```

```
supervision that he be given GPS location monitoring, and he
2
   can self-report then.
3
             Do I have a date, Ms. Engle?
4
             MS. PRYOR: Your Honor, this might be a stretch to
5
   ask, but I believe his next court date is December 3. I was
   wondering, Your Honor -- it's really important to him that he
7
   be able to attend that hearing -- if it could be a date after
   December 3 to report.
9
             THE COURT: Any objection?
10
             MR. RAMASWAMY: Your Honor --
11
             THE COURT:
                        It's going to take Bureau of Prisons 6 or
12
   8 weeks at a minimum.
13
             MS. PRYOR: It does, Your Honor.
14
             THE COURT:
                         So we'll be into November.
15
             MR. RAMASWAMY: Given the conduct, the Government
16
   does not consent to that.
17
             THE COURT: Okay.
             THE PROBATION OFFICER: Your Honor, just as a matter
18
19
   of logistics, if he were to be released to location monitoring
20
   technology, that technology should be installed immediately.
   We would request a -- that the Court agree to a short delay of
21
   the installation of that, just given the logistics of him
22
23
   traveling back to the Western District of Virginia and the
24
   Western District of Virginia installing their equipment.
25
             THE COURT:
                         How many days would you like before?
```

```
1
             THE PROBATION OFFICER: Your Honor, I think we can
 2 take care of that Monday.
             THE COURT: So you can add that to the condition,
 3
   that within 7 days that it be placed at the discretion of
   Probation. How about that? Does that work?
 5
 6
             THE PROBATION OFFICER: Thank you, Your Honor.
 7
             THE COURT: All right. So as long as he's on
   location monitoring, I'll set it for Friday, December 6, noon,
   report to the U.S. Marshal in Greensboro, if he hasn't received
10
   a designation.
11
             THE PROBATION OFFICER: I apologize, Your Honor.
12
   Just for further clarification, is that a home incarceration or
13
   a curfew? He would need to be placed under one of the three
14
   programs as well.
15
             THE COURT: Is there a recommendation?
16
             THE CLERK: Is it a revision? An order of release or
   a condition of his supervision?
17
             THE COURT: Well, I don't know -- we'll figure out
18
   that in a minute.
19
20
             THE PROBATION OFFICER: I would simply recommend at
   least a curfew. With GPS, you can order a curfew that's
21
   restrictive enough to monitor his whereabouts throughout the
22
23
   day.
24
             THE COURT: Okay. That's a -- the case manager
25
  raised a good question. This is actually not a condition of
```

```
supervision. I think this is going to be a release condition
   so he can remain on his own. So the magistrate judge's order
   on release will be modified to add a condition for location
   monitoring. You think home -- a curfew is sufficient?
 5
             THE PROBATION OFFICER: Your Honor, I believe a
   curfew that's at the discretion of the probation officer would
 6
 7
   be --
                         I will add a curfew at the discretion of
 8
             THE COURT:
 9
   Probation. Probation is doing an excellent job of working with
10
   Mr. Hill. I just want to make sure that he's in at night.
11
             MS. PRYOR: Yes, Your Honor.
12
             THE COURT:
                        All right. I don't want him running
13
   around naked anymore anywhere.
14
             MS. PRYOR:
                        Yes, Your Honor.
15
             THE COURT: Does that address all those issues?
16
             MS. PRYOR: It does, Your Honor.
17
             THE COURT: Ms. Pryor, let me know right away if you
   hear otherwise.
18
19
             MS. PRYOR: I will, yes, sir.
20
             THE COURT: Because the judgment will be issued here
21
   shortly.
22
             Have you had an opportunity to speak with Mr. Hill
23
   about any appellate rights he may have?
24
             MS. PRYOR: I have, Your Honor. He would like to
25
   file his notice of appeal.
```

```
1
             THE COURT: For the record, just so that I've advised
  him, make sure he's aware, if he does want to file a notice of
   appeal, he must do so in writing within 14 days of the entry of
   the Court's judgment. If he cannot afford the cost of his
5
   appeal, he can ask the Fourth Circuit to waive the cost.
6
             If you want to file the notice of appeal -- I haven't
7
   entered a written judgment yet, but it only has to be entered
   within 14 days of the written judgment.
9
             MS. PRYOR: I understand. Thank you, Your Honor.
10
             THE COURT:
                         Ms. Hill, please keep an eye on your son.
11
   I hope there won't be any problems between now and whenever he
12
   gets a reporting date so that we don't have any further issues.
13
   Okay.
14
             MS. PRYOR:
                         Thank you so much, Your Honor.
15
             THE COURT: Good luck. I know it's a challenge.
16
             All right. Anything further?
17
             MR. RAMASWAMY: No, Your Honor.
18
                         All right. Please adjourn Court.
             THE COURT:
19
         (END OF PROCEEDINGS AT 5:35 P.M.)
20
                                *****
21
22
23
24
25
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UNITED STATES DISTRICT COURT
 2 MIDDLE DISTRICT OF NORTH CAROLINA
 3
   CERTIFICATE OF REPORTER
 4
 5
              I, Briana L. Bell, Official Court Reporter, certify
 6
 7
   that the foregoing transcript is a true and correct transcript
   of the proceedings in the above-entitled matter.
9
              Dated this 4th day of November 2019.
10
11
12
13
                           Briana L. Bell, RPR
14
                            Official Court Reporter
15
16
17
18
19
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## **EXHIBIT 3**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



## **EXHIBIT PAGE 88 OF 337**

09/21/18

PATIENT NO: 7806761243 SOVAH HEALTH BILLING DATE PAGE 1 02781 370912 320 HOSPITAL DR MED REC NO: 07/14/22 GUARANTOR NO: MARTINSVILLE VA 241121900 ADMITTED DISCHARGED PATIENT: HILL BRIAN D 09/21/18 PAY TO ADDRESS: SOVAH HEALTH PO BOX 742401 ATLANTA GA 303742401 BILL TO: HILL BRIAN D EMERGENCY FC=09 310 FOREST ST INFORMATION BILL, SPECIFIED PERIOD OF TIME APT 2 FROM 09/21/18 THRU 09/21/18 MARTINSVILLE VA 24112 DATE OF BATCH F NDC/CPT-4/ SERVICE REF DEPT S PROC HCPCS QTY SERVICE DESCRIPTION CHARGES 258-IV SOLUTIONS 1 IV NACL .9% 1000ML 092118 21B597 0715 170363 J7030 157.00 SUBTOTAL: 157.00 260-IV THERAPY 092118 23B781 0780 800397 96360 1 IV HYDRATION 1ST HR 585.00 SUBTOTAL: 585.00 270-MED SURG SUPPLY 092118 228696 0718 232334 1 SENSOR FETAL 02 130.00 1 CUFF B/P DISP 092118 228696 0718 230760 50.00 092118 228696 0718 232781 1 OXISENSOR DISP 198.00 092118 22B696 0718 232295 1 TUBING HEPLOCK 32.00 092118 22B696 0718 230633 1 CATH IV 66.00

450-EMERG ROOM
092118 22B696 0780 800388 9928525 1 ER VISIT LEVEL V

1 TUBING SECONDARY

1 KIT IV LATEX FREE

SUBTOTAL:

SUBTOTAL:

SUBTOTAL:

21.00

56.00

56.00

2555.00

2555.00

497.00

THANK YOU FOR CHOOSING SOVAH MARTINSVILLE FOR YOUR HEALTHCARE NEEDS

092118 22B696 0718 232137

092118 228696 0718 232646

450-EMERG ROOM

272-MED SURG SUPPLY/STERILE

## **EXHIBIT PAGE 89 OF 337**

PATIENT NO: 7806761243 SOVAH HEALTH BILLING DATE PAGE 2 02781 MED REC NO: 370912 320 HOSPITAL DR 07/14/22

GUARANTOR NO:

PATIENT: MARTINSVILLE VA 241121900 ADMITTED DISCHARGED HILL BRIAN D 09/21/18 09/21/18

BALANCE 4107.00

DATE OF BATCH F NDC/CPT-4/ SERVICE REF DEPT S PROC HCPCS QTY SERVICE DESCRIPTION CHARGES 636-DRUGS/DETAIL CODE 092118 21B597 0712 123638 90714 1 TET\DIPHTOXOID PF J SUBTOTAL: 636-DRUGS/DETAIL CODE 137.00 137.00 771-VACCINE ADMIN 092118 23B781 0780 800230 90471 1 IMMUNIZATION ADMIN 120.00 120.00 SUBTOTAL: TOTAL ANCILLARY CHARGES 4107.00 4107.00 TOTAL CHARGES PAYMENTS .00 ADJUSTMENTS .00

# EXHIBIT PAGE 90 OF 337

PATIENT NO: 7806761243 SOVAH HEALTH MED REC NO:

370912 320 HOSPITAL DR

BILLING DATE PAGE 3 02781 07/14/22

GUARANTOR NO:

PATIENT: HILL BRIAN D

MARTINSVILLE

VA 241121900

ADMITTED DISCHARGED 09/21/18

# DEPARTMENTAL CHARGE SUMMARY

0712 PHARMACY	137.00
0715 IV SOLUTIONS - ADMIN	157.00
0718 MEDICAL SERVICES	553.00
0780 EMERGENCY SERVICES	3,260.00

# REVENUE CHARGE SUMMARY

REV CD	DESCRIPTION	BILLABLE	NON-BILLABLE	TOTAL
0258	IV SOLUTIONS	157.00	.00	157.00
0260	IV THERAPY	585.00	.00	585.00
0270	MED SURG SUPPLY	497.00	.00	497.00
0272	MED SURG SUPPLY/STERILE	56.00	.00	56.00
0450	EMERG ROOM	2,555.00	.00	2,555.00
0636	DRUGS/DETAIL CODE	137.00	.00	137.00
0771	VACCINE ADMIN	120.00	.00	120.00

TOTAL CHARGES:

4,107.00

TOTAL PAYMENTS:

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TOTAL ADJUST:

.00

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# **EXHIBIT 4**

attached to: "MOTION FOR SET ASIDE OR
RELIEVE DEFENDANT OF JUDGMENT OF
CONVICTION OF CRIMINAL CHARGE
PURSUANT TO VIRGINIA CODE § 8.01-428(D),
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA
CODE § 8.01-428(B) ON THE BASIS OF FRAUD
UPON THE COURT, CLERICAL FACTUAL
ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



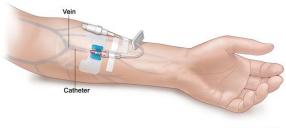


# peripheral venous catheter

(peh-RIH-feh-rul VEE-nus KA-theh-ter)

A device used to draw blood and give treatments, including intravenous fluids, drugs, or blood transfusions. A thin, flexible tube is inserted into a vein, usually in the back of the hand, the lower part of the arm, or the foot. A needle is inserted into a port to draw blood or give fluids.

# Peripheral Venous Catheter



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Peripheral venous catheter. A peripheral venous catheter is a thin, flexible tube that is inserted into a vein. It is usually inserted into the lower part of the arm or the back of the hand. It is used to give intravenous fluids, blood transfusions, chemotherapy, and other drugs.

# **Search NCI's Dictionary of Cancer Terms**

Starts with	$\bigcirc$	Contains
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Enter keywords or phrases

Search

1 of 1 7/19/2022, 10:46 PM

# **EXHIBIT 5**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM





# delirium

(deh-LEER-ee-um)

A mental state in which a person is confused and has reduced awareness of their surroundings. The person may also be anxious, agitated, or have less energy than usual and be tired or depressed. Delirium can also cause hallucinations and changes in attention span, mood or behavior, judgement, muscle control, and sleeping patterns. The symptoms of delirium usually occur suddenly, last a short time, and may come and go. It may be caused by infection, dehydration, abnormal levels of some electrolytes, organ failure, medicines, or serious illness, such as advanced cancer.

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Delirium

Search NCI's	Dictionary of	Cancer Terms
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Starts with Contains	
Enter keywords or phrases	Search

1 of 1 7/19/2022, 11:29 PM

# **EXHIBIT 6**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



3% Sodium Chloride Injection, USP



Rx only

# DESCRIPTION:

3% Sodium Chloride Injection, USP is a sterile, nonpyrogenic, hypertonic solution for fluid and electrolyte replenishment in single dose containers for intravenous administration. The pH may have been adjusted with hydrochloric acid. It contains no antimicrobial agents. Composition, ionic concentration, osmolarity, and pH are shown in Table 1.

Table 1.

		Composition (g/L)	Ionic Concentr	ation (mEq/L)	*Osmolarity		
	Size (mL)	Sodium Chloride, USP (NaCl)	Sodium	Chloride	(mOsmol/L) (calc)	рН	
3% Sodium Chloride Injection, USP	500	30	513	513	1,027	5.0 (4.5 to 7.0)	

<sup>\*</sup>Normal physiological osmolarity range is approximately 280 to 310 mOsmol/L.

The flexible container is fabricated from a specially formulated non-plasticized, film containing polypropylene and thermoplastic elastomers (**free**flex® bag). The amount of water that can permeate from the container into the overwrap is insufficient to affect the solution significantly. Solutions in contact with the flexible container can leach out certain of the container's chemical components in very small amounts within the expiration period. The suitability of the container material has been confirmed by tests in animals according to USP biological tests for plastic containers.

# CLINICAL PHARMACOLOGY:

3% Sodium Chloride Injection has value as a source of water and electrolytes. It is capable of inducing diuresis depending on the clinical condition of the patient.

# INDICATIONS AND USAGE:

3% Sodium Chloride Injection is indicated as a source of water and electrolytes.

# **CONTRAINDICATIONS:**

None known.

# **WARNINGS:**

Hypersensitivity/infusion reactions, including hypotension, pyrexia, tremor, chills, urticaria, rash, and pruritus may occur with 3% Sodium Chloride Injection.

Stop the infusion immediately if signs or symptoms of a hypersensitivity reaction develop, such as tachycardia, chest pain, dyspnea and flushing. Appropriate therapeutic countermeasures must be instituted as clinically indicated.

Depending on the volume and rate of infusion, the intravenous administration of 3% Sodium Chloride Injection can cause fluid and/or solute overloading resulting in dilution of serum electrolyte concentrations, overhydration/hypervolemia, congested states, pulmonary edema, or acid-base imbalance. The risk of dilutive states is inversely proportional to the electrolyte concentration of the injection. The risk of solute overload causing congested states with peripheral and pulmonary edema is directly proportional to the electrolyte concentrations of the injection.

Monitor changes in fluid balance, electrolyte concentrations, and acid base balance during prolonged parenteral therapy or whenever the condition of the patient or the rate of administration warrants such evaluation.

Administer 3% Sodium Chloride Injection with particular caution to patients with or at risk for hypernatremia, hyperchloremia, hypervolemia or with conditions that may cause sodium retention, fluid overload and edema; such as patients with primary hyperaldosteronism, or secondary hyperaldosteronism (for example, associated with hypertension, congestive heart failure, liver disease (including cirrhosis), renal disease (including renal artery stenosis, nephrosclerosis) or pre-eclampsia). Certain medications may increase risk of sodium and fluid retention (see **Drug Interactions**).

Administer 3% Sodium Chloride Injection with particular caution to patients with severe renal impairment. In such patients administration of Sodium Chloride Injection may result in sodium retention.

# PRECAUTIONS:

# General

Do not connect flexible plastic containers in series in order to avoid air embolism due to possible residual air contained in the primary container. Such use could result in air embolism due to residual air being drawn from the primary container before administration of the fluid from the secondary container is completed.

Pressurizing intravenous solutions contained in flexible plastic containers to increase flow rates can result in air embolism if the residual air in the container is not fully evacuated prior to administration.

Use of a vented intravenous administration set with the vent in the open position could result in air embolism. Vented intravenous administration sets with the vent in the open position should not be used with flexible plastic containers.

3% Sodium Chloride Injection is hypertonic with an osmolarity of 1,027 mOsmol/L. Administration of hypertonic solutions may cause venous damage and thus should be administered through a large vein, for rapid dilution.

Do not mix or administer 3% Sodium Chloride Injection solution through the same administration set with whole blood or cellular blood components.

Rapid correction of hypo- and hypernatremia is potentially dangerous (risk of serious neurologic complications). Dosage, rate, and duration of administration should be determined by a physician experienced in intravenous fluid therapy.

# **Drug Interactions**

Caution must be exercised in the administration of 3% Sodium Chloride Injection to patients treated with drugs that may increase the risk of sodium and fluid retention, such as corticosteroids.

Caution is advised in patients treated with lithium. Renal sodium and lithium clearance may be increased during the administration of 3% Sodium Chloride Injection. Administration of 3% Sodium Chloride Injection may, therefore, result in decreased lithium levels.

# **Pregnancy**

There are no adequate and well controlled studies with 3% Sodium Chloride Injection in pregnant women and animal reproduction studies have not been conducted with this drug. Therefore, it is not known whether 3% Sodium Chloride Injection can cause fetal harm when administered to a pregnant woman. 3% Sodium Chloride Injection should be given during pregnancy only if the potential benefit justifies the potential risks to the fetus.

#### **Nursing Mothers**

It is not known whether this drug is excreted present in human milk. Because many drugs are excreted present in human milk, caution should be exercised when 3% Sodium Chloride Injection is administered to a nursing woman.

#### Pediatric Use

The use of 3% Sodium Chloride Injection in pediatric patients is based on clinical practice (see DOSAGE AND ADMINISTRATION).

Plasma electrolyte concentrations should be closely monitored in the pediatric population as this population may have impaired ability to regulate fluids and electrolytes.

# Geriatric Use

Clinical studies of 3% Sodium Chloride Injection did not include sufficient numbers of subjects aged 65 and over to determine whether they respond differently from younger subjects. Other reported clinical experience has not identified differences in responses between the elderly and younger patients. In general, dose selection for an elderly patient should be cautious, usually starting at the low end of the dosing range, reflecting the greater frequency of decreased hepatic, renal, or cardiac function, and of concomitant disease or other drug therapy.

This drug is known to be substantially excreted by the kidney, and the risk of toxic reactions to this drug may be greater in patients with impaired renal function. Because elderly patients are more likely to have decreased renal function, care should be taken in dose selection, and it may be useful to monitor renal function.

# ADVERSE REACTIONS:

# **Post-Marketing Adverse Reactions**

The following adverse reactions have not been reported with 3% Sodium Chloride Injection but may occur:

- hyperchloremia
- · hyperchloremic metabolic acidosis,
- hypersensitivity/infusion reactions, including hypotension, pyrexia, tremor, chills, urticaria, rash, and pruritus,
- · Infusion site reactions, such as thrombosis, phlebitis, irritation, infusion site erythema, injection site streaking, burning sensation, infusion site urticaria.

If an adverse reaction does occur, discontinue the infusion, evaluate the patient, institute appropriate therapeutic countermeasures, and save the remainder of the fluid for examination if deemed necessary.

# **OVERDOSAGE:**

Excessive administration of 3% Sodium Chloride Injection may lead to hypernatremia (which can lead to CNS manifestations, including seizures, coma, cerebral edema and death) and sodium overload (which can lead to central and/or peripheral edema).

When assessing an overdose, any additives in the solution must also be considered. The effects of an overdose may require immediate medical attention and treatment.

# DOSAGE AND ADMINISTRATION:

As directed by a physician. Dosage, rate, and duration of administration are to be individualized and depend upon the indication for use, the patient's age, weight, clinical condition, concomitant treatment, and on the patient's clinical and laboratory response to treatment.

Parenteral drug products should be inspected visually for particulate matter and discoloration prior to administration whenever solution and container permit. Use of a final filter is recommended during administration of all parenteral solutions, where possible.

Do not administer unless solution is clear and seal is intact.

All injections in flexible plastic containers are intended for intravenous administration using sterile and nonpyrogenic equipment.

Additives may be incompatible. Complete information is not available. Those additives known to be incompatible should not be used. Consult with pharmacist, if available. If, in the informed judgment of the physician, it is deemed advisable to introduce additives, use aseptic technique. Mix thoroughly when additives have been introduced. Do not store solutions containing additives.

After opening the container, the contents should be used immediately and should not be stored for a subsequent infusion. Do not reconnect any partially used containers. Discard any unused portion.

# **HOW SUPPLIED:**

3% Sodium Chloride Injection, USP in a single dose flexible plastic container, is available as follows:

Product No.	530175	530175
Presentation	Single-Dose Container	Carton
NDC#	63323-530-21	63323-530-75
	15 grams per 500 mL in a 500 mL bag (30 mg per mL)	20 Single-Dose Containers in 1 Carton

Exposure of pharmaceutical products to heat should be minimized. Avoid excessive heat.

Store at 20° to 25°C (68° to 77°F) [see USP Controlled Room Temperature]; brief exposure up to 40°C/104°F does not adversely affect the product.

The container closure is not made with natural rubber latex. Non-PVC, Non-DEHP, Sterile.

# INSTRUCTIONS FOR USE:

Check flexible container solution composition, lot number, and expiry date.

Do not remove solution container from its overwrap until immediately before use.

Use sterile equipment and aseptic technique.

# To Open

- 1. Turn solution container over so that the text is face down. Using the pre-cut corner tabs, peel open the overwrap and remove solution container.
- 2. Check the solution container for leaks by squeezing firmly. If leaks are found, or if the seal is not intact, discard the solution.
- 3. Do not use if the solution is cloudy or a precipitate is present.

# **To Add Medication**

- 1. Identify WHITE Additive Port with arrow pointing toward container.
- 2. Immediately before injecting additives, break off WHITE Additive Port Cap with the arrow pointing toward container.
- 3. Hold base of WHITE Additive Port horizontally.
- 4. Insert needle horizontally through the center of WHITE Additive Port's septum and inject additives.
- 5. Mix container contents thoroughly.

# **Preparation for Administration**

- 1. Immediately before inserting the infusion set, break off BLUE Infusion Port Cap with the arrow pointing away from container.
- 2. Use a non-vented infusion set or close the air-inlet on a vented set.
- 3. Close the roller clamp of the infusion set.
- 4. Hold the base of BLUE Infusion Port.
- 5. Insert spike through BLUE Infusion Port by rotating wrist slightly until the spike is inserted. **NOTE:** See full directions accompanying administration set.

# WARNING: Do not use flexible container in series connections.

Manufactured for:



Lake Zurich, IL 60047

Made in Germany

www.fresenius-kabi.com/us

451532A

Revised: February 2020

# PACKAGE LABEL - PRINCIPAL DISPLAY - 3% Sodium Chloride Injection, USP 500 mL Bag Label

# NDC 63323-530-21

 $freeflex^{\mathbb{R}}$ 

500 mL

3% Sodium Chloride Injection, USP

**15 grams per 500 mL** (30 mg per mL)

Hypertonic Saline

For intravenous use. Rx only



NDC 63323-530-21

500 mL

# 3% Sodium Chloride Injection, USP

15 grams per 500 mL

(30 mg per mL)

Hypertonic Saline

100 For intravenous use.

Rx only

**Each 100 mL contains:** Sodium Chloride, USP 3 g in water for injection. pH may have been adjusted with hydrochloric acid.

Sodium Chloride 513 mEq/L 513 mEq/L

1027 mOsmol/L (CALC)

pH 5.0 (4.5 to 7.0)

<u>200</u>

Hypertonic. May cause vein damage.

Single-Dose Container. Discard Unused Portion.

Additives may be incompatible. Consult with pharmacist, if available. When introducing additives, use aseptic technique, mix thoroughly and do not store.

300

Usual dosage: See package insert.
Store unit in moisture barrier overwrap.

Use immediately once removed from overwrap.

**Store at 20°** to **25°**C (**68°** to **77°**F) [see USP Controlled Room Temperature] until ready to use. Avoid excessive heat.

The container closure is not made with natural rubber latex. Non-PVC, Non-DEHP, Sterile.

400



LOT

**EXP** 

Mfd. for:



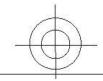
FRESENIUS Kari

Lake Zurich, IL 60047

Made in Germany

www.fresenius-kabi.com/us

403291



0743501/00 US

# PACKAGE LABEL - PRINCIPAL DISPLAY - 3% Sodium Chloride Injection, USP Case Label

NDC 63323-530-75 3% Sodium Chloride Injection, USP,

15 grams per 500 mL

500 mL x 20 Single-Dose Container

Hypertonic Saline

For Intravenous Use

Rx only

NDC 63323-530-75

Avoid excessive heat.

530175

# 3% Sodium Chloride Injection, USP, 15 grams per 500 mL

500 mL x 20 Single-Dose Container

RX only

**FRESENIUS** 

Manufactured for:

Hypertonic Saline For Intravenous Use Store at 20° to 25°C (68° to 77°F) [see USP Controlled Room Temperature]. Fresenius Kabi USA, LLC Lake Zurich, IL 60047 www.fresenius-kabi.com/us Made in Germany



LOT

**EXP** 

63708 0717961/00 US

SODIUM CHLORIDE

sodium chloride injection, solution

**Product Information** 

**Product Type** HUMAN PRESCRIPTION DRUG Item Code (Source)

NDC:63323-530

Route of Administration

INTR AVENOUS

Active Ingredient/Active Moiety

Ingredient Name

**Basis of Strength** Strength

SODIUM CHLORIDE (UNII: 451W47IQ8X) (SODIUM CATION - UNII:LYR4M0NH37, CHLORIDE ION - UNII:Q32ZN48698)

SODIUM CHLORIDE 3 g in 100 mL

**Inactive Ingredients** 

Strength **Ingredient Name** WATER (UNII: 059QF0KO0R)

HYDROCHLORIC ACID (UNII: QTT17582CB)

Packaging

Ш	1 ackaging									
	# Item Code	Package Description	Marketing Start Date	Marketing End Date						
	1 NDC:63323-530-75	20 in 1 CASE	03/20/2020							
	1 NDC:63323-530-21	500 mL in 1 BAG; Type 0: Not a Combination Product								

**Marketing Information** 

Marketing Category	Application Number or Monograph Citation	Marketing Start Date	Marketing End Date
ANDA	ANDA209476	03/20/2020	

# Labeler - Fresenius Kabi USA, LLC (608775388)

Establishment							
Name	Address	ID/FEI	<b>Business Operations</b>				
Fresenius Kabi Deutschland GmbH		506719546	ANALYSIS(63323-530), MANUFACTURE(63323-530)				

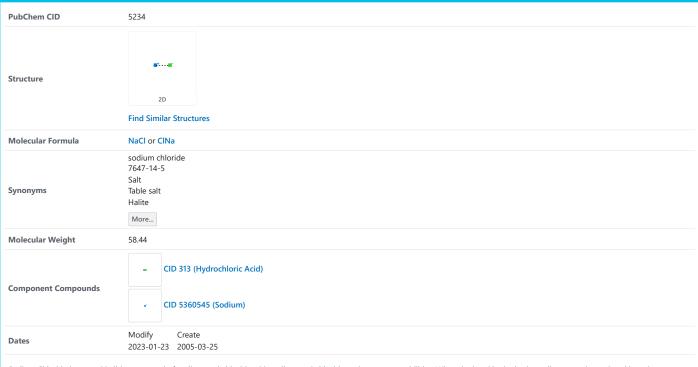
Revised: 10/2022 Fresenius Kabi USA, LLC



COMPOUND SUMMARY

# Sodium Chloride

See also: Saline (related); Halite (related).



Sodium Chloride is a metal halide composed of sodium and chloride with sodium and chloride replacement capabilities. When depleted in the body, sodium must be replaced in order to maintain intracellular osmolarity, nerve conduction, muscle contraction and normal renal function.

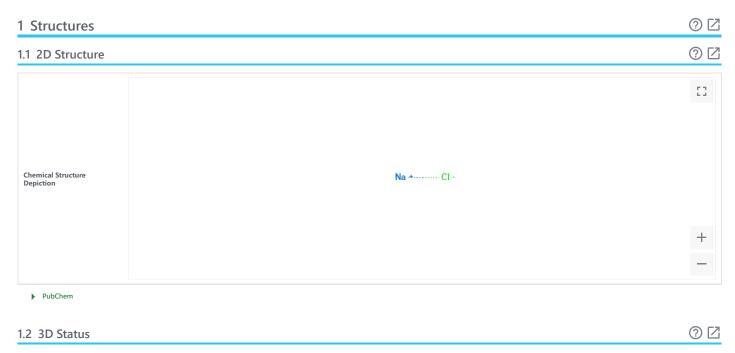
NCI Thesaurus (NCIt)

Sodium chloride or table salt is a mineral substance belonging to the larger class of compounds called ionic salts. Salt in its natural form is known as rock salt or halite. Salt is present in vast quantities in the ocean, which has about 35 grams of sodium chloride per litre, corresponding to a salinity of 3.5%. Salt is essential for animal life, and saltiness is one of the basic human tastes. The tissues of animals contain larger quantities of salt than do plant tissues. Salt is one of the oldest and most ubiquitous of food seasonings, and salting is an important method of food preservation. Salt is produced from salt mines or by the evaporation of seawater or mineral-rich spring water in shallow pools. Salt is used in many industrial processes and in the manufacture of polyvinyl chloride, plastics, paper pulp and many other consumer products. Of the global annual production of around 200,000,000 tonnes of salt, only 6% is used for human consumption. Other uses include water conditioning, highway de-icing and various agricultural applications. For humans, salt is a major source of sodium. Sodium is essential to life: it helps nerves and muscles to function correctly, and it is one of the factors involved in the regulation of water content.

▶ Toxin and Toxin Target Database (T3DB)

Sodium chloride is an inorganic chloride salt having sodium(1+) as the counterion. It has a role as an emetic and a flame retardant. It is an inorganic chloride and an inorganic sodium salt.

ChEB



Conformer generation is disallowed since MMFF94s unsupported element, MMFF94s unsupported atom valence, mixture or salt

PubChem

2 Names and Identifiers	<b>②</b> 🗹
2.1 Computed Descriptors	<b>②</b> 🗹
2.1.1 IUPAC Name	⑦ Z
sodium;chloride	
Computed by Lexichem TK 2.7.0 (PubChem release 2021.05.07)	
▶ PubChem	
2.1.2 InChI	⑦ Z
InChI=1S/CIH.Na/h1H;/q;+1/p-1	
Computed by InChI 1.0.6 (PubChem release 2021.05.07)	
▶ PubChem	
2.1.3 InChlKey	⑦ Z
FAPWRFPIFSIZLT-UHFFFAOYSA-M	
Computed by InChI 1.0.6 (PubChem release 2021.05.07)	
▶ PubChem	
2.1.4 Canonical SMILES	⑦ Z
	<u> </u>
[Na+].[Cl-] Computed by OEChem 2.3.0 (PubChem release 2021.05.07)	
▶ PubChem	
	© [4]
2.2 Molecular Formula	<u> </u>
NaCl	
▼ Wikipedia  Source: Wikipedia	
Record Name: sodium chloride	
URL: https://en.wikipedia.org/wiki/Sodium_chloride Description: Chemical information link to Wikipedia.	
CINa	
Computed by PubChem 2.1 (PubChem release 2021.05.07)	
▶ PubChem	
2.3 Other Identifiers	⑦ Z
2.3.1 CAS	<u> </u>
7647-14-5  CAS Common Chemistry; ChemlDplus; DrugBank; DTP/NCl; EPA Chemicals under the TSCA; EPA DSSTox; European Chemicals Agenc	v (ECHA): FDA Global Substance Registration System (GSRS): Hazardous Substances Di
, ,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
14762-51-7	
CAS Common Chemistry; ChemIDplus; EPA DSSTox	
32343-72-9	
▶ ChemlDplus	
2.3.2 Related CAS	<b>②</b> Z
14784-90-8 ((24)hydrochlorideCl)	
17112-21-9 ((22)hydrochlorideCl)	
▶ ChemlDplus	
2.3.3 Deprecated CAS	② Z
11062-32-1, 11062-43-4, 8028-77-1, 418758-90-4	<u> </u>
► ChemlDplus	

11062-32-1, 11062-43-4, 418758-90-4

▶ EPA DSSTox

2.3.4 European Community (EC) Number	<b>②</b> 🗹
231-598-3	
European Chemicals Agency (ECHA)	
2.3.5 NSC Number	② Z
77364	
▶ DTP/NCI	
2.3.6 UNII	<b>②</b> 🗹
451W47IQ8X	
► FDA Global Substance Registration System (GSRS)	
2.3.7 DSSTox Substance ID	<b>②</b> 🗹
DTXSID3021271	
▶ EPA DSSTox	
DTXSID6040379	
▶ EPA DSSTox	
DTXSID501033754	
▶ EPA DSSTox	
2.3.8 Wikipedia	③ Z
Sodium chloride	
▶ Wikipedia	
2.3.9 Wikidata	⑦ Z
Q2314	
▶ Wikidata	
2.3.10 NCI Thesaurus Code	② Z
C29974	
NCI Thesaurus (NCIt)	
C821	
NCI Thesaurus (NCIt)	
C72068	
NCI Thesaurus (NCIt)	
C75874	
NCI Thesaurus (NCIt)	
C822	
▶ NCI Thesaurus (NCIt)	
2.3.11 RXCUI	② Z
9863	
▶ NLM RxNorm Terminology	
2.4 Synonyms	<b>◎</b> ☑
2.4.1 MeSH Entry Terms	② [Z

Sodium Chloride Sodium Chloride, (22)Na Sodium Chloride, (24)NaCl

▶ Medical Subject Headings (MeSH)

# 2.4.2 Depositor-Supplied Synonyms





PubChem

# 3 Chemical and Physical Properties



# 3.1 Computed Properties

(?)	7
$\sim$	_

Property Name	Property Value	Reference
Molecular Weight	58.44	Computed by PubChem 2.1 (PubChem release 2021.05.07)
Hydrogen Bond Donor Count	0	Computed by Cactvs 3.4.8.18 (PubChem release 2021.05.07)
Hydrogen Bond Acceptor Count	1	Computed by Cactvs 3.4.8.18 (PubChem release 2021.05.07)
Rotatable Bond Count	0	Computed by Cactvs 3.4.8.18 (PubChem release 2021.05.07)
Exact Mass	57.9586220	Computed by PubChem 2.1 (PubChem release 2021.05.07)
Monoisotopic Mass	57.9586220	Computed by PubChem 2.1 (PubChem release 2021.05.07)
Topological Polar Surface Area	0 Ų	Computed by Cactvs 3.4.8.18 (PubChem release 2021.05.07)
Heavy Atom Count	2	Computed by PubChem
Formal Charge	0	Computed by PubChem
Complexity	2	Computed by Cactvs 3.4.8.18 (PubChem release 2021.05.07)
Isotope Atom Count	0	Computed by PubChem
Defined Atom Stereocenter Count	0	Computed by PubChem
Undefined Atom Stereocenter Count	0	Computed by PubChem
Defined Bond Stereocenter Count	0	Computed by PubChem
Undefined Bond Stereocenter Count	0	Computed by PubChem
Covalently-Bonded Unit Count	2	Computed by PubChem
Compound Is Canonicalized	Yes	Computed by PubChem (release 2021.05.07)

PubChem

# 3.2 Experimental Properties



# 3.2.1 Physical Description



Dry Powder; Dry Powder, Liquid; Dry Powder, Other Solid; Dry Powder, Water or Solvent Wet Solid; Liquid; Liquid, Other Solid; NKRA; Other Solid; Pellets or Large Crystals; Pellets or Large Crystals; Liquid; Water or Solvent Wet Solid

▶ EPA Chemicals under the TSCA

Water soluble, white crystals; [CAMEO]

▶ Haz-Map, Information on Hazardous Chemicals and Occupational Diseases

# 3.2.2 Color/Form

@ 🗵

Colorless, transparent crystals or white, crystalline powder

Lewis, R.J. Sr.; Hawley's Condensed Chemical Dictionary 15th Edition. John Wiley & Sons, Inc. New York, NY 2007., p. 1140

▶ Hazardous Substances Data Bank (HSDB)

Colorless and transparent or translucent when in large crystals

O'Neil, M.J. (ed.). The Merck Index - An Encyclopedia of Chemicals, Drugs, and Biologicals. Cambridge, UK: Royal Society of Chemistry, 2013., p. 1596

▶ Hazardous Substances Data Bank (HSDB)

Colorless cubic crystals

Haynes, W.M. (ed.). CRC Handbook of Chemistry and Physics. 94th Edition. CRC Press LLC, Boca Raton: FL 2013-2014, p. 4-89

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.3 Taste

② Z

....

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.4 Boiling Point



Haynes, W.M. (ed.). CRC Handbook of Chemistry and Physics. 94th Edition. CRC Press LLC, Boca Raton: FL 2013-2014, p. 4-89

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.5 Melting Point

② ☑

800.7 °C

1465 °C

Haynes, W.M. (ed.). CRC Handbook of Chemistry and Physics. 94th Edition. CRC Press LLC, Boca Raton: FL 2013-2014, p. 4-89

► Hazardous Substances Data Bank (HSDB)

# 3.2.6 Solubility 36.0 g/100 g of water at 25 °C Haynes, W.M. (ed.). CRC Handbook of Chemistry and Physics. 94th Edition. CRC Press LLC, Boca Raton: FL 2013-2014, p. 4-89 Hazardous Substances Data Bank (HSDB)

#### One gram dissolves in 2.8 mL water /3.57X10+5 mg/L/ at 25 °C

O'Neil, M.J. (ed.). The Merck Index - An Encyclopedia of Chemicals, Drugs, and Biologicals. Cambridge, UK: Royal Society of Chemistry, 2013., p. 1596

▶ Hazardous Substances Data Bank (HSDB)

# Slightly soluble in ethanol

Haynes, W.M. (ed.). CRC Handbook of Chemistry and Physics. 94th Edition. CRC Press LLC, Boca Raton: FL 2013-2014, p. 4-89

▶ Hazardous Substances Data Bank (HSDB)

0.065 g/100 g ethanol at 25 °C, 7.15 g/100 g ethylene glycol at 25 °C, 5.21 g/100 g formic acid at 25 °C, 10 g/100 g glycerol at 25 °C, 2.15 g /100 g liquid ammonia at -40 °C, 1.40 g/100g methanol at 25 °C, 1.86 g/100 g monoethanolamine at 25 °C /Table/

Feldman SR et al; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology, (1999-2013), New York, NY: John Wiley & Sons. Online Posting Date: 14 Oct 2011

▶ Hazardous Substances Data Bank (HSDB)

#### One gram dissolves in ... 2.6 mL boiling water, in 10 mL glycerol

O'Neil, M.J. (ed.). The Merck Index - An Encyclopedia of Chemicals, Drugs, and Biologicals. Cambridge, UK: Royal Society of Chemistry, 2013., p. 1596

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.7 Density

#### 2.17 at 25 °C/4 °C

Haynes, W.M. (ed.). CRC Handbook of Chemistry and Physics. 94th Edition. CRC Press LLC, Boca Raton: FL 2013-2014, p. 4-89

▶ Hazardous Substances Data Bank (HSDB)

#### Enthalpy of formation: -410.9 kJ/mol at 25 °C; Density of molten sodium chloride at 850 °C: 1.549 g/cu cm; latent heat of fusion: 0.52 kJ/g

Westphal G et al; Sodium Chloride. Ullmann's Encyclopedia of Industrial Chemistry. 7th ed. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 5 Jan 2010

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.8 Vapor Pressure

# VP: 1 mm Hg at 865 °C

Lewis, R.J. Sr. (ed) Sax's Dangerous Properties of Industrial Materials. 11th Edition. Wiley-Interscience, Wiley & Sons, Inc. Hoboken, NJ. 2004., p. V3: 3238

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.9 Stability/Shelf Life

# Stable under recommended storage conditions.

Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014; https://www.sigmaaldrich.com/safety-center.html

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.10 Decomposition

# When heated to decomposition it emits toxic fumes of /hydrochloric acid and disodium oxide/.

Lewis, R.J. Sr. (ed) Sax's Dangerous Properties of Industrial Materials. 11th Edition. Wiley-Interscience, Wiley & Sons, Inc. Hoboken, NJ. 2004., p. 3239

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.11 Viscosity ② 🖸

# Viscosity of saturated aqueous solution = 1.93 mPa-s

Westphal G et al; Sodium Chloride. Ullmann's Encyclopedia of Industrial Chemistry. 7th ed. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 5 Jan 2010

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.12 Corrosivity

# Sodium chloride solutions are corrosive to base metals

Westphal G et al; Sodium Chloride. Ullmann's Encyclopedia of Industrial Chemistry. 7th ed. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 5 Jan 2010

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.13 pH

pH = 6.7 to 7.3; its aqueous solution is neutral

O'Neil, M.J. (ed.). The Merck Index - An Encyclopedia of Chemicals, Drugs, and Biologicals. Cambridge, UK: Royal Society of Chemistry, 2013., p. 1596

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.14 Surface Tension

# 110 mN/m at 850 °C /Molten sodium chloride/

Westphal G et al; Sodium Chloride. Ullmann's Encyclopedia of Industrial Chemistry. 7th ed. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 5 Jan 2010

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.15 Refractive Index

# Index of refraction: 1.5442 /Table/

Feldman SR et al; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 14 Oct 2011

▶ Hazardous Substances Data Bank (HSDB)

# 3.2.16 Other Experimental Properties



A 23% aqueous solution of sodium chloride freezes at -20.5 °C. ... Density of saturated aqueous solution at 25 °C is 1.202 ... Begins to volatilize at a little above its melting point. ... Its solubility is decreased by hydrogen chloride.

O'Neil, M.J. (ed.). The Merck Index - An Encyclopedia of Chemicals, Drugs, and Biologicals. Cambridge, UK: Royal Society of Chemistry, 2013., p. 1596

▶ Hazardous Substances Data Bank (HSDB)

# Somewhat hygroscopic

Lewis, R.J. Sr.; Hawley's Condensed Chemical Dictionary 15th Edition. John Wiley & Sons, Inc. New York, NY 2007., p. 1140

▶ Hazardous Substances Data Bank (HSDB)

Specific heat = 0.853 J/g-k; hardness Mohs' scale: 2.5; critical humidity at 20 °C: 75.3%; heat of solution, 1 kg H2O, 25 °C: 3.757 kJ/mol /Table/

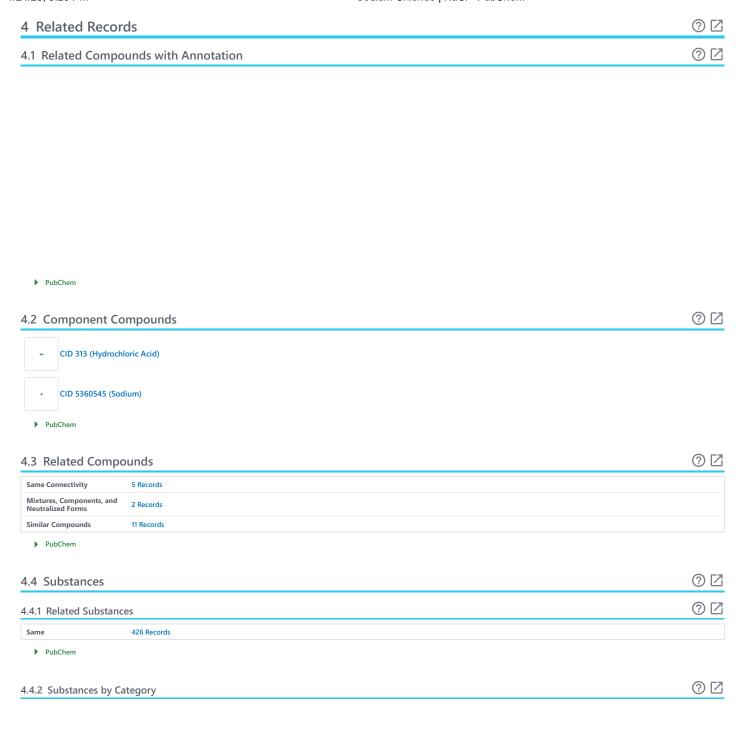
Feldman SR et al; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 14 Oct 2011

▶ Hazardous Substances Data Bank (HSDB)

3.2.17 Chemical Classes

Metals -> Metals, Inorganic Compounds

Haz-Map, Information on Hazardous Chemicals and Occupational Diseases



PubChem

4.5 Entrez Crosslinks

**②** 🗹

PubMed

187 Records

# EXHIBIT RAGE 1130 PubChem

# 1/24/23, 9:20 PM

Taxonomy	14 Records
ОМІМ	4 Records
Gene	277 Records

▶ PubChem

4.6 NCBI LinkOut

▶ NCBI

5 Chemical Vendors

**② Z** 

PubChem

# 6 Drug and Medication Information

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# 6.1 Drug Indication



This intravenous solution is indicated for use in adults and pediatric patients as a source of electrolytes and water for hydration. Also, designed for use as a diluent and delivery system for intermittent intravenous administration of compatible drug additives.

DrugBank

# 6.2 WHO Essential Medicines



Drug	Drug Classes	Formulation	Indication
Sodium chloride	Solutions correcting water, electrolyte and acid-base disturbances -> Parenteral	Parenteral - General injections - IV: 0.9% isotonic (equivalent to Na+ 154 mmol/L and CI- 154 mmol/L)	Other specified disorders of fluid, electrolyte or acid-base balance [co-prescribed with B05XA03]

▶ WHO Model Lists of Essential Medicines

# 6.3 FDA Orange Book



▶ FDA Orange Book

# 6.4 FDA National Drug Code Directory



National Drug Code (NDC) Directory

SEA SALT is an active ingredient in the product DETERGENT.

National Drug Code (NDC) Directory

SODIUM CHLORIDE is an active ingredient in 500 products including: '0.9% SODIUM CHLORIDE', '10 PARASITE DETOX', and '2 TRANSFORM'.

National Drug Code (NDC) Directory

# 6.5 Drug Labels for Ingredients



Showing 2 of 36 View More

Label Title	PROCALAMINE- glycerin, isoleucine, leucine, lysine, methionine, phenylalanine, threonine, tryptophan, valine, alanine, glycine, arginine, histidine, proline, serine, cysteine, sodium acetate, magnesium acetate, calcium acetate, sodium chloride, potassium chloride, phosphoric acid, and potassium metabisulfite injection
Drug Ingredient	AMINO ACIDS; CALCIUM ACETATE; GLYCERIN; MAGNESIUM ACETATE; PHOSPHORIC ACID; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE
Label Download	PDF Label
NDC Code(s)	0264-1915-07

B. Braun Medical Inc.

Packager

# EXHIBIT RAGE 116 AE 1343CI - PubChem

DailyMed		
Label Information	Total 4 labels	
Drug Ingredient	ASCORBIC ACID; POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM ASCORBATE; SODIUM CHLORIDE; SODIUM SULFATE	
NDC Code(s)	54868-5890-0, 65649-201-75, 65649-201-76, 65649-400-01, 65649-400-02, 68682-201-75	
Packagers	Oceanside Pharmaceuticals; Physicians Total Care, Inc.; Salix Pharmaceuticals, Inc; Salix Pharmaceuticals, Inc.	
▶ DailyMed		
6.6 Clinical Trials		<b>②</b> 🗵
6.6.1 ClinicalTrials.gov		② Z

▶ ClinicalTrials.gov

6.6.2 EU Clinical Trials Register

▶ EU Clinical Trials Register

6.6.3 NIPH Clinical Trials Search of Japan

NIPH Clinical Trials Search of Japan

6.7 Therapeutic Uses



Sodium chloride injections are used as a source of sodium chloride and water for hydration. Sodium chloride is used in the prevention or treatment of deficiencies of sodium and chloride ions and in the prevention of muscle cramps and heat prostration resulting from excessive perspiration during exposure to high temperature. Sodium chloride is also used to treat deficiencies of sodium and chloride caused by excessive diuresis or excessive salt restriction.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2758

▶ Hazardous Substances Data Bank (HSDB)

0.45% Sodium chloride injection is used principally as a hydrating solution and may be used to assess renal function status, since more water is provided than is required for excretion of salt. 0.45% Sodium chloride injection is also used in the management of hyperosmolar diabetes.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2758

▶ Hazardous Substances Data Bank (HSDB)

0.9% Sodium chloride injection is used for extracellular fluid replacement and in the management of metabolic alkalosis in the presence of fluid loss and mild sodium depletion. 0.9% Sodium chloride injection (normal saline) is also used as a priming fluid for hemodialysis procedures and to initiate and terminate blood transfusions.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2758

▶ Hazardous Substances Data Bank (HSDB)

Hypertonic (i.e., 3%, 5%) sodium chloride injection is used in the management of severe sodium chloride depletion when rapid electrolyte restoration is essential. Severe sodium chloride depletion may occur in the presence of heart failure or renal impairment, or during surgery or postoperatively. In these conditions, chloride loss often exceeds sodium loss. Hypertonic sodium chloride injections are also used in the management of hyponatremia and hypochloremia resulting from administration of sodium-free fluids during fluid and electrolyte therapy; in the management of extreme dilution of extracellular fluid following excessive water intake (e.g., that resulting from multiple enemas or perfusion of irrigating solutions into open venous sinuses during transurethral prostatic resections); and in the emergency treatment of severe sodium chloride depletion resulting from excess sweating, vomiting, diarrhea, and other conditions.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2758

▶ Hazardous Substances Data Bank (HSDB)

For more Therapeutic Uses (Complete) data for SODIUM CHLORIDE (13 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

# 6.8 Drug Warnings





Bacteriostatic sodium chloride injection containing benzyl alcohol as a preservative (antimicrobial agent) should not be used for diluting or reconstituting drugs for administration in neonates nor should it be used to flush intravascular catheters in neonates. Several deaths have been reported in neonates weighing less than 2.5 kg in whom bacteriostatic sodium chloride for injection containing 0.9% benzyl alcohol was used for flushing IV catheters; some of these neonates received additional benzyl alcohol when bacteriostatic sodium chloride injection was used to dilute or reconstitute drugs. The deaths were usually preceded by a syndrome that included metabolic acidosis, CNS depression, respiratory distress progressing to gasping respiration, hypotension, renal failure, and, occasionally, seizures and intracranial hemorrhage. High concentrations of benzyl alcohol, benzoic acid, and hippuric acid (a metabolite) were present in blood and urine in these neonates. Benzyl alcohol toxicity apparently was caused by administration of relatively large daily doses (99-404 mg/kg daily) of the preservative in proportion to the neonate's weight. Although these neonates had biochemical evidence of benzyl alcohol toxicity, they also had serious underlying conditions.

can Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2759

▶ Hazardous Substances Data Bank (HSDB)

Sodium chloride is contraindicated in patients with conditions in which administration of sodium and chloride is detrimental. Sodium chloride 3 and 5% injections are also contraindicated in the presence of increased, normal, or only slightly decreased serum electrolyte concentrations

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2759

▶ Hazardous Substances Data Bank (HSDB)

Sodium chloride should be used with extreme caution, if at all, in patients with congestive heart failure or other edematous or sodium-retaining conditions, in patients with severe renal insufficiency, in patients with liver cirrhosis, and in patients receiving corticosteroids or corticotropin; particular caution is necessary in geriatric or postoperative patients. IV administration of sodium chloride may cause fluid and/or solute overload resulting in dilution of serum electrolytes, overhydration, congestive conditions, or pulmonary edema. The risk of dilutional conditions is inversely proportional to the electrolyte concentration administered, and the risk of solute overload and resultant congestive conditions with peripheral and/or pulmonary edema is directly proportional to the electrolyte concentration administered. The manufacturers warn that excessive IV administration of sodium chloride may result in hypokalemia.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2759

▶ Hazardous Substances Data Bank (HSDB)

Changes in fluid balance, electrolyte concentrations, and acid-base balance should be evaluated clinically and via periodic laboratory determinations during prolonged therapy with sodium chloride and in patients whose condition warrants such evaluation. Substantial changes may require additional electrolyte supplements or other appropriate therapy. Additional electrolyte supplementation may also be required in patients with substantial electrolyte losses resulting from conditions such as protracted nasogastric suctioning, vomiting, diarrhea, or GI fistula drainage.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2759

▶ Hazardous Substances Data Bank (HSDB)

For more Drug Warnings (Complete) data for SODIUM CHLORIDE (12 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

# 6.9 Reported Fatal Dose



The estimated fatal dose of sodium chloride is approximately 0.75 to 3.00 g/kg.

Dart, R.C. (ed). Medical Toxicology. Third Edition, Lippincott Williams & Wilkins. Philadelphia, PA. 2004., p. 1057

▶ Hazardous Substances Data Bank (HSDB)

An estimated dose of more than 400 mEq/kg resulted in brain injury and death in a 2 year old child given a salt water solution to induce emesis.

# EXHIBIT BAGE 118 AE 13821 - PubChem

# 1/24/23, 9:20 PM

Dart, R.C. (ed). Medical Toxicology. Third Edition, Lippincott Williams & Wilkins. Philadelphia, PA. 2004., p. 1057

▶ Hazardous Substances Data Bank (HSDB)

LD50 3000 mg/kg (oral, rat), LD50 1000 mg/kg (humans)

▶ Toxin and Toxin Target Database (T3DB)

# @ 🗵 7 Food Additives and Ingredients **② Z** 7.1 Food Additive Classes **JECFA Functional Classes** Food Additives -> FOOD\_ADDITIVE; ▶ Joint FAO/WHO Expert Committee on Food Additives (JECFA) @ 🗵 7.2 FDA Substances Added to Food Substance SODIUM CHLORIDE Used for (Technical Effect) STABILIZER OR THICKENER 172.177 172.430 172.490 172.840 Document Number (21 CFR)

172.861 182.1 182.70 182.90

# 7.3 Evaluations of the Joint FAO/WHO Expert Committee on Food Additives - JECFA



Chemical Name	SODIUM CHLORIDE
<b>Evaluation Year</b>	1985
Report	TRS 733-JECFA 29/13

<sup>▶</sup> Joint FAO/WHO Expert Committee on Food Additives (JECFA)

FDA Center for Food Safety and Applied Nutrition (CFSAN)

# 8.1 Agrochemical Category Pesticide active substances EU Pesticides Data 8.2 EU Pesticides Data Active Substance sodium chloride Status Approved [Reg. (EC) No 1107/2009] Legislation 2004/129/EC, Reg. (EU) 2017/1529, Reg. (EU) 2021/556

<sup>▶</sup> EU Pesticides Database

# 9 Pharmacology and Biochemistry

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# 9.1 Pharmacodynamics



Sodium, the major cation of the extracellular fluid, functions primarily in the control of water distribution, fluid balance, and osmotic pressure of body fluids. Sodium is also associated with chloride and bicarbonate in the regulation of the acid-base equilibrium of body fluid. Chloride, the major extracellular anion, closely follows the metabolism of sodium, and changes in the acid-base balance of the body are reflected by changes in the chloride concentration.

DrugBank

# 9.2 FDA Pharmacological Classification



Non-Proprietary Name	NATRUM MURIATICUM
Pharmacological Classes	Inhibition Large Intestine Fluid/Electrolyte Absorption [PE]; Osmotic Activity [MoA]; Osmotic Laxative [EPC]; Increased Large Intestinal Motility [PE]

National Drug Code (NDC) Directory

Non-Proprietary Name	SODIUM CHLORIDE
Pharmacological Classes	Inhibition Large Intestine Fluid/Electrolyte Absorption [PE]; Osmotic Activity [MoA]; Osmotic Laxative [EPC]; Increased Large Intestinal Motility [PE]

National Drug Code (NDC) Directory

9.3 ATC Code ② 🖸

A - Alimentary tract and metabolism

A12 - Mineral supplements

A12C - Other mineral supplements

A12CA - Sodium

A12CA01 - Sodium chloride

▶ WHO Anatomical Therapeutic Chemical (ATC) Classification

B - Blood and blood forming organs

**B05** - Blood substitutes and perfusion solutions

**B05C** - Irrigating solutions

**B05CB** - Salt solutions

B05CB01 - Sodium chloride

▶ WHO Anatomical Therapeutic Chemical (ATC) Classification

**B** - Blood and blood forming organs

**B05** - Blood substitutes and perfusion solutions

B05X - I.v. solution additives

B05XA - Electrolyte solutions

B05XA03 - Sodium chloride

▶ WHO Anatomical Therapeutic Chemical (ATC) Classification

S - Sensory organs

S01 - Ophthalmologicals

S01X - Other ophthalmologicals

S01XA - Other ophthalmologicals

S01XA03 - Sodium chloride, hypertonic

▶ WHO Anatomical Therapeutic Chemical (ATC) Classification

9.4 Bionecessity

Solutions of sodium chloride closely approximate the composition of the extracellular fluid of the body. A 0.9% solution of sodium chloride (i.e., isotonic) has approximately the same osmotic pressure as body fluids. Sodium chloride provides electrolyte supplementation. Sodium is the major cation of extracellular fluid and functions principally in the control of water distribution, fluid and electrolyte balance, and osmotic pressure of body fluids. Sodium is also associated with chloride and bicarbonate in the regulation of acid-base balance. Chloride, the major extracellular anion, closely follows the physiologic disposition of sodium, and changes in the acid-base balance of the body are reflected by changes in serum chloride concentration.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2759

► Hazardous Substances Data Bank (HSDB)

/VET:/ Horses are most likely to develop signs of salt (NaCl) deficiency when worked hard in hot weather. Sweat and urinary losses are appreciable. Horses deprived of salt tire easily, stop sweating, and exhibit muscle spasms if exercised strenuously. Hemoconcentration and acidosis may be expected. Anorexia and pica may be evident in chronic deprivation, although these are not specific signs of salt deficiency. In lactating mares, milk production seriously declines. Polyuria and polydipsia secondary to renal medullary washout may be seen in prolonged deficits.

Kahn, C.M (ed.).; The Merck Veterinary Manual 10th Edition. Merck & Co. Whitehouse Station NJ. 2010, p. 2063

▶ Hazardous Substances Data Bank (HSDB)

Essential in diet to maintain chloride balance in body.

Lewis, R.J. Sr.; Hawley's Condensed Chemical Dictionary 15th Edition. John Wiley & Sons, Inc. New York, NY 2007., p. 1140

▶ Hazardous Substances Data Bank (HSDB)

/VET:/ Pigs fed diets low in salt (NaCl) grow poorly and inefficiently, due largely to a marked reduction in feed intake. Though not specific for salt deficiency, poor hair and skin condition may also develop. There have been reports of salt-deficient pigs attempting to consume urine of other pigs.

Kahn, C.M (ed.).; The Merck Veterinary Manual 10th Edition. Merck & Co. Whitehouse Station NJ. 2010, p. 2078

▶ Hazardous Substances Data Bank (HSDB)

/VET:/ Sodium is the main cation and chloride is the main anion in the regulation of osmotic balance in the extracellular fluid (ECF) of the body. Serum sodium concentration and serum osmalarity are normally maintained under precise control by homeostatic mechanisms involving thirst, antidiuretic hormone and renal reabsorption of filtered sodium. Normal reference ranges for serum sodium in adult animals (given in mmol/L) include porcine 135-150, bovine 132-152, canine 141-152 and equine 132-146.

Gupta, R. C. (ed.) Veterinary Toxicology: Basic and Clinical Principles. 1st ed. New York, NY, p.461 (2007)

▶ Hazardous Substances Data Bank (HSDB)

# 9.5 Absorption, Distribution and Excretion



#### Absorption

Absorption of sodium in the small intestine plays an important role in the absorption of chloride, amino acids, glucose, and water. Chloride, in the form of hydrochloric acid (HCl), is also an important component of gastric juice, which aids the digestion and absorption of many nutrients.

DrugBank

#### Route of Elimination

Substantially excreted by the kidneys.

DrugBank

#### Volume of Distribution

The volume of distribution is 0.64 L/kg.

DrugBank

The primary route of sodium excretion is the urine; additional excretion occurs in sweat and feces. The kidney filters sodium at the glomerulus, but 60% to 70% is reabsorbed in the proximal tubules along with bicarbonate and water. Another 25% to 30% is reabsorbed in the loop of Henle, along with chloride and water. In the distal tubules, aldosterone modulates the reabsorption of sodium and, indirectly, chloride. The renal threshold for sodium is 110 to 130 mEq/L. Less than 1% of the filtered sodium is excreted in the urine.

Dart, R.C. (ed). Medical Toxicology. Third Edition, Lippincott Williams & Wilkins. Philadelphia, PA. 2004., p. 1057

▶ Hazardous Substances Data Bank (HSDB)

Sodium is rapidly absorbed from the GI tract; it is also absorbed from rectal enemas. Intestinal wall absorption occurs via the Na+, K+-adenosine triphosphatase system that is augmented by aldosterone and desoxycorticosterone acetate. Sodium is not bound by plasma proteins. The volume of distribution is 0.64 L/kg.

Dart, R.C. (ed). Medical Toxicology. Third Edition, Lippincott Williams & Wilkins. Philadelphia, PA. 2004., p. 1057

▶ Hazardous Substances Data Bank (HSDB)

In one study using radiolabeled 20% sodium chloride injection, most of the drug concentrated in the decidua and the fetal part of the placenta following intra-amniotic injection. Following intra-amniotic administration of 20% sodium chloride injection, some of the drug diffuses into the maternal blood.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 3323

▶ Hazardous Substances Data Bank (HSDB)

Atrichial sweat glands ... are the organs by which considerable body water and electrolytes, mainly sodium chloride, are lost.

Bingham, E.; Cohrssen, B.; Powell, C.H.; Patty's Toxicology Volumes 1-9 5th ed. John Wiley & Sons. New York, N.Y. (2001)., p. 8:69

▶ Hazardous Substances Data Bank (HSDB)

For more Absorption, Distribution and Excretion (Complete) data for SODIUM CHLORIDE (6 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

# 9.6 Metabolism/Metabolites



The salt that is taken in to gastro intestinal tract remains for the most part unabsorbed as the liquid contents pass through the stomach and small bowel. On reaching the colon this salt, together with the water is taken in to the blood. As excesses are absorbed the kidney is constantly excreting sodium chloride, so that the **chloride** level in the blood and tissues remains fairly constant. Further more, if the **chloride** intake ceases, the kidney ceases to excrete chlorides. Body maintains an equilibrium retaining the 300gm of salt dissolved in the blood and fluid elements of the tissue dissociated into sodium ions and **chloride** ions.

DrugBank

# 9.7 Biological Half-Life



17 minutes

DrugBank

9.8 Mechanism of Action



Sodium and chloride — major electrolytes of the fluid compartment outside of cells (i.e., extracellular) — work together to control extracellular volume and blood pressure. Disturbances in sodium concentrations in the extracellular fluid are associated with disorders of water balance.

DrugBanl

Intra-amniotic instillation of 20% sodium chloride injection induces abortion and fetal death. Although the mechanism has not been conclusively determined, some studies indicate that the drug's abortifacient activity may be mediated by prostaglandins released from decidual cells damaged by hypertonic solutions of sodium chloride. Hypertonic sodium chloride-induced uterine contractions are usually sufficient to cause evacuation of both the fetus and placenta; however, abortion may be incomplete in 25-40% of patients. /20% injection/

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 3323

▶ Hazardous Substances Data Bank (HSDB)

# 10 Use and Manufacturing



10.1 Uses

@ [2

**EPA CPDat Chemical and Product Categories** 

The Chemical and Products Database, a resource for exposure-relevant data on chemicals in consumer products, Scientific Data, volume 5, Article number: 180125 (2018), DOI:10.1038/sdata.2018.125

▶ EPA Chemical and Products Database (CPDat)

# Sources/Uses

Sodium chloride (NaCl). A colorless, cubic crystal or white, crystalline powder, found widely distributed over the earth, in sea water, etc., which is a necessary constituent of the body and consequently of the diet. It makes up over 90 percent of the inorganic constituents of the blood serum and is the principal salt involved in maintaining osmotic tension of the blood and tissues. (From Dorland, 27th ed) [ChemlDplus] Used in the hide preservation and pickling stages of leather production; [PMID 21938525]

#### PMID-21938529

▶ Haz-Map, Information on Hazardous Chemicals and Occupational Diseases

# Industrial Processes with risk of exposure

Leather Tanning and Processing [Category: Industry]

▶ Haz-Map, Information on Hazardous Chemicals and Occupational Diseases

For sodium chloride (USEPA/OPP Pesticide Code: 013905) ACTIVE products with label matches. /SRP: Registered for use in the U.S. but approved pesticide uses may change periodically and so federal, state and local authorities must be consulted for currently approved uses./

National Pesticide Information Retrieval System's Database on Sodium Chloride (7647-14-5). Available from, as of February 18, 2014: https://npirspublic.ceris.purdue.edu/ppis/

▶ Hazardous Substances Data Bank (HSDB)

Over 14,000 different uses for salt have been identified ...the salt industry generally classifies salt uses by 5 principal categories: 1) chemical; 2) highway deicing and stabilization; 3) food use and processing; 4) agriculture; 5) water conditioning. Remaining uses are categorized as miscellaneous.

Feldman SR et al; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 14 Oct 2011

▶ Hazardous Substances Data Bank (HSDB)

The major industries that use salt include in descending order of quantity consumed oil and gas exploration, textiles, dyeing, pulp and paper, metal processing, tanning and leather treatment, and rubber manufacture

Feldman SR et al; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 14 Oct 2011

► Hazardous Substances Data Bank (HSDB)

Chemical (sodium hydroxide, soda ash, hydrogen chloride, chlorine, metallic sodium), ceramic glazes, metallurgy, curing of hides, food preservative, mineral waters, soap manufacture (salting out), home water softeners, highway deicing, regeneration of ion-exchange resins, photography, food seasoning, herbicide, fire extinguishing, nuclear reactors, mouthwash, medicine (heat exhaustion), salting out dyestuffs, supercooled solutions. Single crystals are used for spectroscopy, UV, and infrared transmissions.

Lewis, R.J. Sr.; Hawley's Condensed Chemical Dictionary 15th Edition. John Wiley & Sons, Inc. New York, NY 2007., p. 1140

▶ Hazardous Substances Data Bank (HSDB)

For more Uses (Complete) data for SODIUM CHLORIDE (11 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

Salt is used for food flavouring, food, plastic production, paper production, water conditioning, de-icing, agricultural applications. Salt is produced from salt mines or by the evaporation of seawater or mineral-rich spring water in shallow pools.

▶ Toxin and Toxin Target Database (T3DB)

# Mineral Description

Salt, also known as sodium chloride, has many end uses. Virtually every person in the world has some direct or indirect contact with salt daily. People routinely add salt to their food as a flavor enhancer or apply rock salt to walkways to remove ice in the winter. Salt is used as feedstock for chlorine and caustic soda manufacture; these two inorganic chemicals are used to make many consumer-related end-use products, such as polyvinyl chloride (PVC) plastic made from chlorine and paper-pulping chemicals manufactured from caustic soda.

▶ USGS National Minerals Information Center

# **USGS Mineral Commodity Summaries (PDF links)**

2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022

▶ USGS National Minerals Information Center

#### **USGS Mineral Yearbook (PDF links)**

2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |

▶ USGS National Minerals Information Center

# 10.1.1 Use Classification

EPA Safer Chemical Functional Use Classes -> Processing Aids and Additives

▶ EPA Safer Choice

Safer Chemical Classes -> Green circle - The chemical has been verified to be of low concern

▶ EPA Safer Choice

Agrochemicals -> Pesticides

▶ EU Pesticides Database

Human Drugs -> FDA Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book) -> Active Ingredients

FDA Orange Book

Food Additives -> FOOD\_ADDITIVE; -> JECFA Functional Classes

▶ Joint FAO/WHO Expert Committee on Food Additives (JECFA)

# Cosmetics -> Bulking; Viscosity controlling

S13 | EUCOSMETICS | Combined Inventory of Ingredients Employed in Cosmetic Products (2000) and Revised Inventory (2006) | DOI:10.5281/zenodo.2624118

NORMAN Suspect List Exchange

# 10.1.2 Industry Uses

Absorbent Hardener Processing aids, specific to petroleum production

Agricultural chemicals (non-pesticidal) Intermediate Softener and conditioner
Anti-adhesive agents Intermediates Soil amendments (fertilizers)

Anti-static agent Laboratory chemicals Solids separation (precipitating) agent, not otherwise specified Bleaching agent Not Known or Reasonably Ascertainable Stabilizing agent

Bleaching agents Other Surface active agents
Catalyst Other (specify) Surface modifier

Cleaning agent Paint additives and coating additives not described by other categories Surfactant (surface active agent)

 Deodorizer
 Pigment
 Viscosity adjustors

 Dye
 Platting agents and surface treating agents
 pH regulating agent

Filler Preservative
Flotation agent Processing aids not otherwise specified
Flux agent Processing aids, not otherwise listed

https://www.epa.gov/chemical-data-reporting

▶ EPA Chemicals under the TSCA

# 10.1.3 Consumer Uses

Adhesion/cohesion promoter Pigment
Agricultural chemicals (non-pesticidal) Plating agents and surface treating agents

 Bleaching agents
 Preservative

 Brightener
 Processing aids, not otherwise listed

 Catalyst
 Soil amendments (fertilizers)

 Deodorizer
 Surface active agents

 Dye
 Surface modifier

 Filler
 Surface active agent)

Intermediates Thickening agent

Intermediates Indickening
Not Known or Reasonably Ascertainable

Other
Other (specify)

Paint additives and coating additives not described by other categories

https://www.epa.gov/chemical-data-reporting

▶ EPA Chemicals under the TSCA

# 10.1.4 Household Products

### EXHIBIT PAGE 126 OF 13371 - PubChem

Information on 1864 consumer products that contain Sodium chloride in the following categories is provided:

- Auto Products
- Commercial / Institutional
- Home Maintenance
- Inside the Home
- · Landscaping/Yard
- Personal Care
- Pesticides
- Pet Care
- ▶ Consumer Product Information Database (CPID)

### 10.2 Methods of Manufacturing



An underground salt deposit may be solution-mined by drilling wells into halite veins, injecting fresh or recycled water through the well casings to dissolve the salt, and leaving a residence time long enough for the brine solution to reach saturation with sodium chloride. ... The resulting brine is extracted through other wells in the same brine field or gallery. Insoluble impurities, such as anhydrite (calcium sulfate) settle out in the underground gallery, while the saturated sodium chloride brine, called green brine (untreated or refined), is pumped to holding tanks on the surface. ... Green brine is pumped from the underground cavern and transported via pipeline to the nearby salt refinery for processing into evaporated-granulated salt or is used as a feedstock for chloralkali production. ... Nearly all food-grade salt sold or used in the United States is currently produced by vacuum pan evaporation of saturated brine.

Feldman SR; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology (1999-2014). John Wiley & Sons, Inc. Online Posting Date: October 14, 2011

▶ Hazardous Substances Data Bank (HSDB)

Conventional Underground Mining: Rock salt is mined from underground deposits by drilling and blasting. ... Since the late 1950s the use of continuous mining machines has increased in salt mines. These "continuous miners" have movable, rotating heads with carbide-tipped cutting bits. The mining machines bore into the salt, eliminating the need for undercutting, drilling, and blasting steps .. The crushed salt is transported from the primary crusher via conveyor belt to secondand third-stage crushers, and then to screening stations for separation into standard product grades established for specific end uses.

Feldman SR; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology (1999-2014). John Wiley & Sons, Inc. Online Posting Date: October 14, 2011

▶ Hazardous Substances Data Bank (HSDB)

Commercial solar salt is produced by natural evaporation of seawater or **brine** in large, diked, earthen ponds called condensers. Evaporation is carried out by solar radiation and wind action, producing concentrated **brine** containing dissolved mineral salts. The process for separation of crystal types is known as fractional crystallization. ... Solar salt production begins as the **brine** source, usually seawater, enters the solar pond system and moves in turn from one pond to the next either by pumping or by gravity. ... Sodium chloride precipitates with continuing evaporation, forming a salt layer 10-25-cm thick. ... It takes up to two years to produce salt from the time seawater is introduced into the salt pond system. ... The harvested salt is loaded into trucks and transported to a wash plant, where the salt is washed with clean, nearly saturated **brine** to remove particulate matter and to replace **magnesium**-laden **brine** clinging to the salt crystals.

Feldman SR; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology (1999-2014). John Wiley & Sons, Inc. Online Posting Date: October 14, 2011

▶ Hazardous Substances Data Bank (HSDB)

Method of purification: Recrystallization

Lewis, R.J. Sr.; Hawley's Condensed Chemical Dictionary 15th Edition. John Wiley & Sons, Inc. New York, NY 2007., p. 1140

▶ Hazardous Substances Data Bank (HSDB)

Sodium chloride, or rock salt, is obtained from underground room and pillar mining or solution mining (in which water is pumped into a rock salt deposit, brought back to the surface, and evaporated).

Bingham, E.; Cohrssen, B.; Powell, C.H.; Patty's Toxicology Volumes 1-9 5th ed. John Wiley & Sons. New York, N.Y. (2001)., p. 3:783

▶ Hazardous Substances Data Bank (HSDB)

### 10.3 Impurities



The principal impurity in naturally occurring rock salt is calcium sulfate, generally 1-4%, with small amounts of calcium chloride and magnesium chloride.

Kirk-Othmer Encyclopedia of Chemical Technology. 3rd ed., Volumes 1-26. New York, NY: John Wiley and Sons, 1978-1984., p. V21 207 (1983)

▶ Hazardous Substances Data Bank (HSDB)

### 10.4 Formulations/Preparations



Impregnated material (10% sodium chloride); soluble concentrate/solid (1.5% sodium with 20.4% potassium peroxymonosulfate)

USEPA/Office of Prevention, Pesticides and Toxic Substances; Reregistration Eligibility Decision Document - Inorganic Halides p.5 (September 1993).

▶ Hazardous Substances Data Bank (HSDB)

Intra-amniotic: Injection 20%

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 3323

▶ Hazardous Substances Data Bank (HSDB)

Highest purity medicinal, crystals; highest purity, dried; highest purity, fine powder; highest purity, fused; reagent; reagent, fused; sea evaporated; ground; microsized; powdered; table salt; rock salt; chemically pure; United States Pharmacopeia; "Food Chemicals Codex"; single pure crystals.

Lewis, R.J. Sr.; Hawley's Condensed Chemical Dictionary 15th Edition. John Wiley & Sons, Inc. New York, NY 2007., p. 1140

- ▶ Hazardous Substances Data Bank (HSDB)
- ... Some rock salt deposits contain pure, crystallized salt. ... This salt is extremely clear and free from defects. It is about 99.8% pure sodium chloride.

Kirk-Othmer Encyclopedia of Chemical Technology. 3rd ed., Volumes 1-26. New York, NY: John Wiley and Sons, 1978-1984., p. V21 207 (1983)

▶ Hazardous Substances Data Bank (HSDB)

For more Formulations/Preparations (Complete) data for SODIUM CHLORIDE (12 total), please visit the HSDB record page.

Hazardous Substances Data Bank (HSDB)

### 10.5 Consumption Patterns



Production of chlorine, caustic soda, and soda ash accounts for about 57% of total usage, mainly in the form of brine. Highway use of rock salt represents about 19% of total tonnage.

Kirk-Othmer Encyclopedia of Chemical Technology. 3rd ed., Volumes 1-26. New York, NY: John Wiley and Sons, 1978-1984., p. V21 215 (1983)

▶ Hazardous Substances Data Bank (HSDB)

# 10.6 U.S. Production



### Aggregated Product Volume

2019: 1,000,000,000 - <5,000,000,000 lb 2018: 1,000,000,000 - <5,000,000,000 lb 2017: 1,000,000,000 - <5,000,000,000 lb 2016: 1,000,000,000 - <5,000,000,000 lb

https://www.epa.gov/chemical-data-reporting

▶ EPA Chemicals under the TSCA

Production volumes for non-confidential chemicals reported under the Inventory Update Rule.

Year	Production Range (pounds)
1986	<10 thousand
1990	10 thousand - 500 thousand
1994	10 thousand - 500 thousand
1998	10 thousand - 500 thousand
2002	>1 million - 10 million

US EPA; Non-confidential Production Volume Information Submitted by Companies for Chemicals Under the 1986-2002 Inventory Update Rule (IUR). Sodium Chloride (7647-14-5). Available from, as of February 18, 2014: https://epa.gov/cdr/tools/data/2002-vol.html

▶ Hazardous Substances Data Bank (HSDB)

Production volume for non-confidential chemicals reported under the 2006 Inventory Update Rule. Chemical: Sodium chloride. Aggregated National Production Volume: 100 to < 500 million pounds.

US EPA; Non-Confidential 2006 Inventory Update Reporting. National Chemical Information. Sodium Chloride (7647-14-5). Available from, as of February 18, 2014: https://cfpub.epa.gov/iursearch/index.cfm

▶ Hazardous Substances Data Bank (HSDB)

Non-confidential 2012 Chemical Data Reporting (CDR) information on the production and use of chemicals manufactured or imported into the United States. Chemical: Sodium chloride. National Production Volume: 830,279,683 lb/yr.

USEPA/Pollution Prevention and Toxics; 2012 Chemical Data Reporting Database. Sodium Chloride (7647-14-5). Available from, as of February 18, 2014: https://java.epa.gov/oppt\_chemical\_search/

▶ Hazardous Substances Data Bank (HSDB)

### 10.7 U.S. Imports



13,190,739,100 lb

BUREAU OF THE CENSUS. US IMPORTS FOR CONSUMPTION AND GENERAL IMPORTS 1986 P.1-517

▶ Hazardous Substances Data Bank (HSDB)

### 10.8 General Manufacturing Information



Transportation Equipment Manufacturing

Wholesale and Retail Trade

Wood Product Manufacturing

Utilities

### Industry Processing Sectors

Adhesive Manufacturing
Agriculture, Forestry, Fishing and Hunting
All Other Basic Inorganic Chemical Manufacturing
All Other Basic Organic Chemical Manufacturing
All Other Chemical Product and Preparation Manufacturing
Asphalt Paving, Roofing, and Coating Materials Manufacturing
Construction
Fabricated Metal Product Manufacturing

Fabricated Metal Product Manufacturing
Food, beverage, and tobacco product manufacturing
Industrial Gas Manufacturing
Mining (except Oil and Gas) and support activities

Miscellaneous Manufacturing Not Known or Reasonably Ascertainable Petrochemical Manufacturing Petroleum Refineries Primary Metal Manufacturing Printing Ink Manufacturing Rubber Product Manufacturing Services

Paper Manufacturing

Soap, Cleaning Compound, and Toilet Preparation Manufacturing

Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing

Oil and Gas Drilling, Extraction, and Support activities

Other (requires additional information)

Paint and Coating Manufacturing

asonably Ascertainable Textiles, apparel, and leather manufacturing

▶ EPA Chemicals under the TSCA

### **EPA TSCA Commercial Activity Status**

Sodium chloride (NaCl): ACTIVE

#### https://www.epa.gov/tsca-inventory

▶ EPA Chemicals under the TSCA

The article of commerce is also known as table salt, rock salt, or sea salt. ... Blusalt, a brand of sodium chloride containing trace amounts of cobalt, iodine, iron, copper, manganese, zinc is used in farm animals

O'Neil, M.J. (ed.). The Merck Index - An Encyclopedia of Chemicals, Drugs, and Biologicals. Cambridge, UK: Royal Society of Chemistry, 2013., p. 1596

▶ Hazardous Substances Data Bank (HSDB)

Sodium chloride can be added in controlled release by encapsulation, a process that coats salt crystals with partially hydrogenated vegetable oil. Encapsulated salt is used primarily in food processing applications.

Feldman SR et al; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 14 Oct 2011

- ▶ Hazardous Substances Data Bank (HSDB)
- ... Migrates to food from packaging materials.

Sax, N.I. Dangerous Properties of Industrial Materials. 6th ed. New York, NY: Van Nostrand Reinhold, 1984., p. 2419

▶ Hazardous Substances Data Bank (HSDB)

### 10.9 Sampling Procedures



NIOSH Method 173. Analyte: Sodium. Matrix: Air. Procedure: Filter collection, acid digestion Flow Rate: 1.5 L/min. Sample Size: Not specified. /Sodium/

U.S. Department of Health, Education Welfare, Public Health Service. Center for Disease Control, National Institute for Occupational Safety Health. NIOSH Manual of Analytical Methods. 2nd ed. Volumes 1-7. Washington, DC: U.S. Government Printing Office, 1977-present., p. V5 173-1

▶ Hazardous Substances Data Bank (HSDB)

NIOSH Method 7300. Analyte: Sodium. Matrix: Air. Sampler: Filter (0.8 um, cellulose ester membrane) Flow Rate: 1 to 4 L/min. Sample Size: 500 liters. Shipment: Routine. Sample Stability: Stable. /Sodium/

U.S. Department of Health and Human Services, Public Health Service. Centers for Disease Control, National Institute for Occupational Safety and Health. NIOSH Manual of Analytical Methods, 3rd ed. Volumes 1 and 2 with 1985 supplement, and revisions. Washington, DC: U.S. Government Printing Office, February 1984., p. 7300-1

▶ Hazardous Substances Data Bank (HSDB)

NIOSH Method 115. Analyte: Chloride. Matrix: Air. Procedure: Collection with an impinger. Flow Rate: 2.5 L/min. Sample Size: 200 liters. /Chloride/

U.S. Department of Health, Education Welfare, Public Health Service. Center for Disease Control, National Institute for Occupational Safety Health. NIOSH Manual of Analytical Methods. 2nd ed. Volumes 1-7. Washington, DC: U.S. Government Printing Office, 1977-present., p. V1 115-1

▶ Hazardous Substances Data Bank (HSDB)

NIOSH Method 6011. Analyte: Chloride ion. Matrix: Air. Sampler: Filter (0.45 um, silver membrane). Flow Rate: 0.3 to 1 L/min. Sample Size: 90 liters. Shipment: Routine. Sample Stability: Greater than or equal to 30 days at 25 °C. /Chloride ion/

U.S. Department of Health and Human Services, Public Health Service. Centers for Disease Control, National Institute for Occupational Safety and Health. NIOSH Manual of Analytical Methods, 3rd ed. Volumes 1 and 2 with 1985 supplement, and revisions. Washington, DC: U.S. Government Printing Office, February 1984., p. 6011-1

### 11 Identification





### 11.1 Analytic Laboratory Methods

NIOSH Method: 173. Analyte: Sodium. Matrix: Air. Procedure: Atomic absorption spectrophotometry. This method has a detection limit of 0.0002 and sensitivity of 0.015 ug/mL. The working range for a precision better than 3% RSD/CV is 0.05-1.0 ug/mL. Interference: Spectral, ionization, chemical and physical interferences. /Sodium/

U.S. Department of Health, Education Welfare, Public Health Service. Center for Disease Control, National Institute for Occupational Safety Health. NIOSH Manual of Analytical Methods. 2nd ed. Volumes 1-7. Washington, DC: U.S. Government Printing Office, 1977-present., p. 173-1

▶ Hazardous Substances Data Bank (HSDB)

NIOSH Method: 7300. Analyte: Sodium. Matrix: Air. Procedure: Inductively coupled argon plasma, atomic emission spectroscopy. For sodium this method has an estimated detection limit of 10 ng/mL sample. The precision/RSD and the recovery are not determined. Applicability: The working range of this method is 0.005 to 2.0 mg/cu m for each element in a 500 liter air sample. Interferences: Spectral interferences. /Sodium/

U.S. Department of Health and Human Services, Public Health Service. Centers for Disease Control, National Institute for Occupational Safety and Health. NIOSH Manual of Analytical Methods, 3rd ed. Volumes 1 and 2 with 1985 supplement, and revisions. Washington, DC: U.S. Government Printing Office, February 1984., p. 7300-1

▶ Hazardous Substances Data Bank (HSDB)

Method 3111-Metals A. Direct Aspiration Atomic Absorption Spectrometry is used for the determination of sodium in water and wastewater. Using air/acetylene as the flame gas at a wavelength of 589.0 nm, the detection limit is 0.002 mg/L, with a sensitivity of 0.015 mg/L, at an optimum concentration range of 0.03-1 mg/L. /Sodium/

Franson MA, ed; Standard Methods for the Examination of Water and Wastewater, 18th ed p.3-9 (1992)

▶ Hazardous Substances Data Bank (HSDB)

Method 3120 A. Emission Spectroscopy for the determination of sodium in water and wastewater samples using an inductively coupled plasma source. The exact choice of emission line is related to sample matrix and instrumentation. A typically used emission line for sodium in water is a wavelength of 589.0 nm, with an estimated detection limit of 30 ug/L. /Total sodium/

Franson MA, ed; Standard Methods for the Examination of Water and Wastewater, 17th ed p.3-53 (1989)

▶ Hazardous Substances Data Bank (HSDB)

For more Analytic Laboratory Methods (Complete) data for SODIUM CHLORIDE (18 total), please visit the HSDB record page.

12 Safety and Hazards	<b>?</b>
12.1 Hazards Identification	<b>②</b> Z
12.1.1 EPA Safer Chemical	② 🗹
Chemical: Sodium chloride	
Green circle - The chemical has been verified to be of low concern based on experimental and modeled data.	
▶ EPA Safer Choice	
12.1.2 Hazards Summary	② Z
An eye irritant; Toxic after ingestion of large amounts; [CAMEO]	
▶ Haz-Map, Information on Hazardous Chemicals and Occupational Diseases	
12.1.3 Skin, Eye, and Respiratory Irritations	<b>②</b> Z
If heated to high temperatures, sodium chloride evolves a vapor irritating to the eyes.	
Rowe, R.C., Sheskey, P.J., Quinn, M.E.; (Eds.), Handbook of Pharmaceutical Excipients 6th edition Pharmaceutical Press, London, England 2009, p. 639  Hazardous Substances Data Bank (HSDB)	
	_
12.2 Safety and Hazard Properties	② Z
12.2.1 Explosive Limits and Potential	② Z
Noncombustible	
Lewis, R.J. Sr.; Hawley's Condensed Chemical Dictionary 15th Edition. John Wiley & Sons, Inc. New York, NY 2007., p. 1140  Hazardous Substances Data Bank (HSDB)	
12.3 Fire Fighting	<b>⊘</b> ∠
12.3.1 Fire Fighting Procedures	② Z
Suitable extinguishing media: Use water spray, alcohol-resistant foam, dry chemical or carbon dioxide. Advice for firefighters: Wear self contained breathing apparations and the self-decision of the	
Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaald	
► Hazardous Substances Data Bank (HSDB)	
12.3.2 Firefighting Hazards	<b>②</b> 🗵
Explosion /occurs when/ molten salt /eg, sodium chloride/ at 1100 °C in accidental contact with water	
Bretherick, L. Handbook of Reactive Chemical Hazards. 4th ed. Boston, MA: Butterworth-Heinemann Ltd., 1990, p. 984  • Hazardous Substances Data Bank (HSDB)	
	_
12.4 Accidental Release Measures	② Z
12.4.1 Cleanup Methods	② Z
Personal precautions, protective equipment and emergency procedures: Avoid dust formation. Avoid breathing vapors, mist or gas. Environmental precautions: Do nethods and materials for containment and cleaning up: Sweep up and shovel. Keep in suitable, closed containers for disposal.	·
Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaald    Hazardous Substances Data Bank (HSDB)	rich.com/safety-center.html
12.4.2 Disposal Methods	② Z
SRP: The most favorable course of action is to use an alternative chemical product with less inherent propensity for occupational harm/injury/toxicity or environmen unused portion of the material for its approved use or return it to the manufacturer or supplier. Ultimate disposal of the chemical must consider: the material's impa migration in soil or water; effects on animal and plant life; and conformance with environmental and public health regulations.	
▶ Hazardous Substances Data Bank (HSDB)	
Product: Offer surplus and non-recyclable solutions to a licensed disposal company. Contaminated packaging: Dispose of as unused product.	hick and factor with the
Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaald    Hazardous Substances Data Bank (HSDB)	rıcn.com/saţety-center.html
	O ==
12.4.3 Preventive Measures	② Z

Provide appropriate exhaust ventilation at places where dust is formed.

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Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaaldrich.com/safety-center.html

▶ Hazardous Substances Data Bank (HSDB)

SRP: The scientific literature for the use of contact lenses by industrial workers is inconsistent. The benefits or detrimental effects of wearing contact lenses depend not only upon the substance, but also on factors including the form of the substance, characteristics and duration of the exposure, the uses of other eye protection equipment, and the hygiene of the lenses. However, there may be individual substances whose irritating or corrosive properties are such that the wearing of contact lenses would be harmful to the eye. In those specific cases, contact lenses should not be worn. In any event, the usual eye protection equipment should be worn even when contact lenses are in place.

▶ Hazardous Substances Data Bank (HSDB)

Gloves must be inspected prior to use. Use proper glove removal technique (without touching glove's outer surface) to avoid skin contact with this product. Dispose of contaminated gloves after use in accordance with applicable laws and good laboratory practices. Wash and dry hands.

Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaaldrich.com/safety-center.html

▶ Hazardous Substances Data Bank (HSDB)

Control of environmental exposure: Do not let product enter drains.

Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaaldrich.com/safety-center.html

► Hazardous Substances Data Bank (HSDB)

### 12.5 Handling and Storage

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#### 12.5.1 Storage Conditions

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### Bacteriostatic sodium chloride injections should be protected from freezing.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2759

▶ Hazardous Substances Data Bank (HSDB)

Keep container tightly closed in a dry and well-ventilated place.

Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaaldrich.com/safety-center.html

► Hazardous Substances Data Bank (HSDB)

### 12.6 Exposure Control and Personal Protection

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#### 12.6.1 Allowable Tolerances



Unless specifically excluded, residues resulting from the use of the following substances as either an inert or an active ingredient in a pesticide chemical formulation, including antimicrobial pesticide chemicals, are exempted from the requirement of a tolerance under FFDCA section 408, if such use is in accordance with good agricultural or manufacturing practices. Sodium chloride is included on this list

40 CFR 180.950 (USEPA); U.S. National Archives and Records Administration's Electronic Code of Federal Regulations. Available from, as of January 2, 2014: https://www.ecfr.gov/cgi-bin/ECFR?page=browse

▶ Hazardous Substances Data Bank (HSDB)

# 12.6.2 Personal Protective Equipment (PPE)



Skin protection: Handle with gloves.

Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaaldrich.com/safety-center.html

▶ Hazardous Substances Data Bank (HSDB)

Eye/face protection: Use equipment for eye protection tested and approved under appropriate government standards such as NIOSH (US) or EN 166(EU).

Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaaldrich.com/safety-center.html

▶ Hazardous Substances Data Bank (HSDB)

Respiratory protection: Respiratory protection is not required. Where protection from nuisance levels of dusts are desired, use type N95 (US) or type P1 (EN 143) dust masks. Use respirators and components tested and approved under appropriate government standards such as NIOSH (US) or CEN (EU).

Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaaldrich.com/safety-center.html

▶ Hazardous Substances Data Bank (HSDB)

Body Protection: Choose body protection in relation to its type, to the concentration and amount of dangerous substances, and to the specific work-place., The type of protective equipment must be selected according to the concentration and amount of the dangerous substance at the specific workplace.

Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaaldrich.com/safety-center.html

▶ Hazardous Substances Data Bank (HSDB)

### 12.7 Stability and Reactivity

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### 12.7.1 Hazardous Reactivities and Incompatibilities

 $\dots$  /Sodium chloride is/ rapidly attacked by  $\ensuremath{\text{\bf bromine trifluoride}}$   $\dots$ 

Fire Protection Guide to Hazardous Materials. 13 ed. Quincy, MA: National Fire Protection Association, 2002., p. 491-36

Reaction with burning lithium forms the dangerously reactive sodium.

Lewis, R.J. Sr. (ed) Sax's Dangerous Properties of Industrial Materials. 11th Edition. Wiley-Interscience, Wiley & Sons, Inc. Hoboken, NJ. 2004., p. 3239

▶ Hazardous Substances Data Bank (HSDB)

Sodium chloride extinguishant should no be used on lithium fires since the reaction releases sodium and results in a more violent fire.

Fire Protection Guide to Hazardous Materials. 13 ed. Quincy, MA: National Fire Protection Association, 2002., p. 491-109

▶ Hazardous Substances Data Bank (HSDB)

Electrolysis of sodium chloride in presence of nitrogenous compounds to produce chlorine may lead to formation of explosive nitrogen trichloride.

Bretherick, L. Handbook of Reactive Chemical Hazards. 4th ed. Boston, MA: Butterworth-Heinemann Ltd., 1990, p. 984

▶ Hazardous Substances Data Bank (HSDB)

For more Hazardous Reactivities and Incompatibilities (Complete) data for SODIUM CHLORIDE (8 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

### 12.8 Regulatory Information

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### 12.8.1 Federal Drinking Water Guidelines

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EPA 250.000 ug/L /Chloride ion/

USEPA/Office of Water; Federal-State Toxicology and Risk Analysis Committee (FSTRAC). Summary of State and Federal Drinking Water Standards and Guidelines (11/93) To Present

▶ Hazardous Substances Data Bank (HSDB)

#### 12.8.2 State Drinking Water Guidelines

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(CA) CALIFORNIA 250,000 ug/L (Recommended); 500,000 ug/L (Upper); Short-term 600000 ug/l /Chloride ion/

USEPA/Office of Water; Federal-State Toxicology and Risk Analysis Committee (FSTRAC). Summary of State and Federal Drinking Water Standards and Guidelines (11/93) To Present

▶ Hazardous Substances Data Bank (HSDB)

### 12.8.3 FIFRA Requirements



Unless specifically excluded, residues resulting from the use of the following substances as either an inert or an active ingredient in a pesticide chemical formulation, including antimicrobial pesticide chemicals, are exempted from the requirement of a tolerance under FFDCA section 408, if such use is in accordance with good agricultural or manufacturing practices. Sodium chloride is included on this list

40 CFR 180.950 (USEPA); U.S. National Archives and Records Administration's Electronic Code of Federal Regulations. Available from, as of August 30, 2006: https://www.ecfr.gov/cgi-bin/ECFR?page=browse

► Hazardous Substances Data Bank (HSDB)

The Agency has determined that ... sodium chloride products, labeled and used as specified in this Reregistration Eligibility Decision document will not pose unreasonable risks or adverse effects to humans or the environment. Although the Agency has found that all uses of ... sodium chloride are eligible for reregistration, it should be understood that the Agency amy take appropriate regulatory action, and/or require the submission of additional data to support the registration of products containing sodium bromide and sodium chloride, if new information comes to the Agency's attention of if the data requirements for registration (or the guidelines for generating such data) change.

USEPA/Office of Prevention, Pesticides and Toxic Substances; Reregistration Eligibility Decision Document - Inorganic Halides p.16 (September 1993). Available from, as of February 18, 2014: https://www.epa.gov/pesticides/reregistration/status.htm

▶ Hazardous Substances Data Bank (HSDB)

As the federal pesticide law FIFRA directs, EPA is conducting a comprehensive review of older pesticides to consider their health and environmental effects and make decisions about their continued use. Under this pesticide reregistration program, EPA examines newer health and safety data for pesticide active ingredients initially registered before November 1, 1984, and determines whether the use of the pesticide does not pose unreasonable risk in accordance to newer saftey standards, such as those described in the Food Quality Protection Act of 1996. Pesticides for which EPA had not issued Registration Standards prior to the effective date of FIFRA '88 were divided into three lists based upon their potential for human exposure and other factors, with List B containing pesticides of greater concern than those on List D, and with List C containing pesticides of greater concern than those on List D. Sodium chloride; found on List D. Case No: 4051; Pesticide type: Insecticide (molluscicide), fungicide, herbicide, and antimicrobiol; Case Status: RED Approved 09/93; OPP has made a decision that some/all uses of the pesticide are eligible for reregistration, as reflected in a Reregistration Eligibility Decision (RED) document; Active ingredient (Al): Sodium chloride; Al Status: OPP has completed a Reregistration Eligibility Decision (RED) document for the case/Al.

United States Environmental Protection Agency/ Prevention, Pesticides and Toxic Substances; Status of Pesticides in Registration, Reregistration, and Special Review. (1998) EPA 738-R-98-002, p. 317

► Hazardous Substances Data Bank (HSDB)

## 12.8.4 FDA Requirements



The Approved Drug Products with Therapeutic Equivalence Evaluations identifies currently marketed prescription and over-the-counter drug products, including sodium chloride, approved on the

DHHS/FDA; Electronic Orange Book-Approved Drug Products with Therapeutic Equivalence Evaluations. Available from, as of February 18, 2014: https://www.fda.gov/cder/ob/

basis of safety and effectiveness by FDA under sections 505 of the Federal Food, Drug, and Cosmetic Act

▶ Hazardous Substances Data Bank (HSDB)

Drug products containing certain active ingredients offered over-the-counter (OTC) for certain uses. A number of active ingredients have been present in OTC drug products for various uses, as described below. However, based on evidence currently available, there are inadequate data to establish general recognition of the safety and effectiveness of these ingredients for the specified uses: sodium chloride is included in digestive aid drug products.

21 CFR 310.545(a)(8) (USFDA); U.S. National Archives and Records Administration's Electronic Code of Federal Regulations. Available from, as of January 2, 2014: https://www.ecfr.gov/cgi-bin/ECFR?page=browse

# EXHIBIT RAGE 1330 OF 1330 - PubChem

Drug products containing certain active ingredients offered over-the-counter (OTC) for certain uses. A number of active ingredients have been present in OTC drug products for various uses, as described below. However, based on evidence currently available, there are inadequate data to establish general recognition of the safety and effectiveness of these ingredients for the specified uses: sodium chloride is included in weight control drug products.

21 CFR 310.545(a)(8) (USFDA); U.S. National Archives and Records Administration's Electronic Code of Federal Regulations. Available from, as of January 2, 2014: https://www.ecfr.gov/cgi-bin/ECFR?page=browse

▶ Hazardous Substances Data Bank (HSDB)

### 12.9 Other Safety Information

? Z

### 12.9.1 Toxic Combustion Products

**?** Z

Special hazards arising from the substance or mixture: Hydrogen chloride gas, Sodium oxides

Sigma-Aldrich; Material Safety Data Sheet for Sodium Chloride, Product Number: S9888, Version 5.3 (Revision Date 2/24/2014). Available from, as of March 28, 2014: https://www.sigmaaldrich.com/united-states.html

▶ Hazardous Substances Data Bank (HSDB)

#### 12.9.2 History and Incidents

② Z

Accidental substitution of sodium chloride for lactose in baby formulas has caused fatal poisoning.

Budavari, S. (ed.). The Merck Index - Encyclopedia of Chemicals, Drugs and Biologicals. Rahway, NJ: Merck and Co., Inc., 1989., p. 1359

▶ Hazardous Substances Data Bank (HSDB)

#### 12.9.3 Special Reports



USEPA/Office of Prevention, Pesticides and Toxic Substances; Reregistration Eligibility Decision Document - Inorganic Halides (September 1993). The RED summarizes the risk assessment conclusions and outlines any risk reduction measures necessary for the pesticide to continue to be registered in the U.S.[Available from, as of February 18, 2014: http://www.epa.gov/pesticides/reregistration/status.htm]

▶ Hazardous Substances Data Bank (HSDB)

MacGregor GA; Salt and Hypertension. Br J Clin Pharmacol 21 (Suppl 2): 123S-8S (1986). The effectiveness of short term salt restriction in lowering blood pressure in adults appears to be related to the severity of the high blood pressure and, probably more directly, to the suppression of the renin system that occurs as blood pressure rises.

24/23, 9:20 PM	EXHIBIT RAGE 1346 AE 1346 - PubChem	
13 Toxicity		<b>②</b> 🗹
13.1 Toxicological Information		② Z
13.1.1 Toxicity Summary		<b>?</b> 🗹
The rare inadvertent intravascular administration or raelectrolyte disturbances, circulatory failure, pulmonary	apid intravascular absorption of hypertonic sodium chloride can cause a shift of tissue fluids in y embolism, or augmented hypertension.	nto the vascular bed, resulting in hypervolemia,
DrugBank		
= '	n the body. This causes fluid retention which increases the pressure exerted by the blood agai a reduction in salt intake from 10g a day to 6g could reduce blood pressure sufficiently that it heart disease.	
Toxin and Toxin Target Database (T3DB)		
13.1.2 Carcinogen Classification		<b>0</b> Z
Carcinogen Classification Not listed by IARC.		
Toxin and Toxin Target Database (T3DB)		
13.1.3 Health Effects		<b>②</b> 🗹
amounts of salt in a short time (about 1 g per kg of b	cle cramps, dizziness, or electrolyte disturbance, which can cause neurological problems, or evology weight). Deaths have also resulted from attempted use of salt solutions as emetics, forced in take of salt can lead to stroke, high blood pressure, left ventricular hypertrophy and stome	d salt intake, and accidental confusion of salt with
Toxin and Toxin Target Database (T3DB)		
13.1.4 Symptoms		<b>②</b> Z
Acute salt overdoses can lead to muscle cramps, dizzi	ness or neurological conditions.	
Toxin and Toxin Target Database (T3DB)		
13.1.5 Acute Effects		<b>②</b> Z

▶ ChemIDplus

13.1.6 Toxicity Data

@ 🗵

LC50 (rat) = 42,000 mg/m3/1H

▶ Haz-Map, Information on Hazardous Chemicals and Occupational Diseases

The World Health Organization recommends that all adults should consume less than 2,000 mg of sodium (which is equivalent to 5 g of salt) per day.

▶ Toxin and Toxin Target Database (T3DB)

### 13.1.7 Interactions



The excretion of lithium appears to be proportional to the intake of sodium chloride. Patients on salt-restricted diets who receive lithium carbonate are prone to the development of lithium toxicity. Increasing sodium intake has been associated with reduced therapeutic response to lithium as well as a decrease in side effects. Large doses of sodium chloride increase lithium excretion and have been recommended by some for the treatment of lithium intoxication.

Hansten P.D. Drug Interactions. 5th ed. Philadelphia: Lea and Febiger, 1985., p. 413

/LABORATORY ANIMALS: Chronic Exposure or Carcinogenicity/ Effects were studied of sodium chloride on production of gastric carcinomas by 4-nitroquinoline-1-oxide in male Wistar rats. NaCl given alone had no apparent carcinogenicity but when admin with 4-nitroquinoline-1-oxide it enhanced carcinogenic effects in stomach.

#### PMID:80863

TATEMATSU M ET AL: I NATL CANCER INST 55 (1): 101 (1975)

▶ Hazardous Substances Data Bank (HSDB)

Effects were studied of sodium chloride on production of gastric carcinomas by 4-nitroquinoline-1-oxide in male Wistar rats. NaCl given alone had no apparent carcinogenicity but when admin with 4-nitroquinoline-1-oxide it enhanced carcinogenic effects in stomach.

#### PMID:808633

TATEMATSU M ET AL; J NATL CANCER INST 55 (1): 101 (1975)

▶ Hazardous Substances Data Bank (HSDB)

IV administration of terbutaline at a rate of 5-20 microgram/minute (ug/min) has been reported to inhibit uterine activity initiated by intra-amniotic instillation of 20% sodium chloride.

Indomethacin, in doses of 25 mg orally every 6 hours for 8 doses beginning 4-6 hours after intra-amniotic instillation of sodium chloride, has been reported to increase the time interval between intra-amniotic administration of hypertonic sodium chloride and abortion.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 3323

► Hazardous Substances Data Bank (HSDB)

For more Interactions (Complete) data for SODIUM CHLORIDE (6 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

#### 13.1.8 Antidote and Emergency Treatment



/VET:/There is no specific treatment /for salt toxicity (water deprivation sodium ion toxicosis)/. Immediate removal of offending feed or water is imperative. Fresh water must be provided to all animals, initially in small amounts at frequent intervals. Ingestion of large amounts of water may exacerbate neurologic signs due to brain edema. Severely affected animals should be given water via stomach tube. The mortality rate may be >50% in affected animals regardless of treatment. In small animals, slow administration of hypertonic dextrose or isotonic saline may be useful.

McEvoy, G.K. (ed.). American Hospital Formulary Service. AHFS Drug Information. American Society of Health-System Pharmacists, Bethesda, MD. 2006., p. 2515

▶ Hazardous Substances Data Bank (HSDB)

In acute salt poisoning with serum sodium levels greater than 180 mEq/L, removal of excess sodium chloride by means of dialysis improves the outcome. Hemodialysis or peritoneal dialysis with a 4.25% glucose solution can effectively lower sodium levels and limit the severity of symptoms.

Haddad, L.M. (Ed). Clinical Management of Poisoning and Drug Overdose 3rd Edition. Saunders, Philadelphia, PA. 1998., p. 42

▶ Hazardous Substances Data Bank (HSDB)

Management should be directed at restoring normal osmolality and fluid volume. The speed of correction depends on the rate of development and the accompanying toxicity. Chronic hypernatremia requires a rate of correction of the sodium level that should not exceed 0.7 mEq/L/hour or approximately 10% of the serum sodium per day and correction of the fluid deficit over 48 to 96 hours. Rapid correction offers no advantage and may cause cerebral edema.

Dart, R.C. (ed). Medical Toxicology. Third Edition, Lippincott Williams & Wilkins. Philadelphia, PA. 2004., p. 1058

▶ Hazardous Substances Data Bank (HSDB)

Treatment depends on the cause, but in most cases, the patient is hypovolemic and needs fluids. Caution: Do not reduce the serum sodium level too quickly because osmotic imbalance may cause excessive fluid shift into brain cells, resulting in cerebral edema. The correction should take place over 24-36 hours; the serum sodium should be lowered about 1 mEq/hr. /Treatment of hypernatremia/

OLSON, K.R. (Ed). Poisoning and Drug Overdose, Sixth Edition. McGraw-Hill, New York, NY 2012, p. 36

► Hazardous Substances Data Bank (HSDB)

For more Antidote and Emergency Treatment (Complete) data for SODIUM CHLORIDE (6 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

### 13.1.9 Human Toxicity Excerpts



/SIGNS AND SYMPTOMS/ The oral ingestion of larger quantities of sodium chloride, eg 1000 g in 600 mL of water, is harmful and can induce irritation of the gastrointestinal tract, vomiting, hypernatremia, respiratory distress, convulsions, and death.

Rowe, R.C., Sheskey, P.J., Quinn, M.E.; (Eds.), Handbook of Pharmaceutical Excipients 6th edition Pharmaceutical Press, London, England 2009, p. 639

▶ Hazardous Substances Data Bank (HSDB)

/SIGNS AND SYMPTOMS/ The GI effects of oral salt administration include swollen tongue, nausea, vomiting, diarrhea, abdominal cramps, and thirst. Neurologic effects include thirst, irritability,weakness, headache, convulsions, and coma. Cerebral edema may occur, and muscle tremors may be noted. Cardiovascular manifestations of acute hypernatremia include both hypertension and hypotension. Tachycardia, cardiac failure, and peripheral edema may develop. Pulmonary edema and respiratory arrest may occur.

Dart, R.C. (ed). Medical Toxicology. Third Edition, Lippincott Williams & Wilkins. Philadelphia, PA. 2004., p. 1058

▶ Hazardous Substances Data Bank (HSDB)

/SIGNS AND SYMPTOMS/ Sodium chloride at concentrations much above that in tears causes a stinging sensation on contact with the eye. Solutions up to 10% do not alter the permeability of the corneal epithelium, but solutions more dilute than 0.9% sodium chloride cause increased permeability.

Grant, W.M. Toxicology of the Eye. 3rd ed. Springfield, IL: Charles C. Thomas Publisher, 1986., p. 830

▶ Hazardous Substances Data Bank (HSDB)

/SIGNS AND SYMPTOMS/ Hypertonic salt solutions can produce ... a distinctive microscopic lesion of the kidney ... parenchymatous dehydration produces a shrinking which is most conspicuous in the convoluted tubules of the renal cortex. Some experimental evidence suggests that similar hypernatremic syndromes may be produced with normal salt diets if water intake is restricted.

Gosselin, R.E., R.P. Smith, H.C. Hodge. Clinical Toxicology of Commercial Products. 5th ed. Baltimore: Williams and Wilkins, 1984., p. II-126

▶ Hazardous Substances Data Bank (HSDB)

For more Human Toxicity Excerpts (Complete) data for SODIUM CHLORIDE (19 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

### 13.1.10 Non-Human Toxicity Excerpts



/LABORATORY ANIMALS: Acute Exposure/ Sodium chloride at concentrations much above that in tears causes a stinging sensation on contact with the eye. Solutions up to 10% do not alter the permeability of the corneal epithelium, but solutions more dilute than 0.9% sodium chloride cause increased permeability. On rabbit eyes continuous irrigation for three hr with sodium chloride solutions from 0.3 to 0.6 M and pH 6.0 to 8.0 has produced no morphologic change in the corneas.

Grant, W.M. Toxicology of the Eye. 3rd ed. Springfield, IL: Charles C. Thomas Publisher, 1986., p. 830

▶ Hazardous Substances Data Bank (HSDB)

/LABORATORY ANIMALS: Acute Exposure/ Intracarotid injection of 2 M sodium chloride solution in cats rapidly produces cataract on the same side.

Grant, W.M. Toxicology of the Eye. 3rd ed. Springfield, IL: Charles C. Thomas Publisher, 1986., p. 830

▶ Hazardous Substances Data Bank (HSDB)

/LABORATORY ANIMALS: Acute Exposure/ Subconjunctival injection of hypertonic sodium chloride solutions has long been known to cause hyperemia and a transitory rise of intraocular pressure in rabbit ... eyes.

Grant, W.M. Toxicology of the Eye. 3rd ed. Springfield, IL: Charles C. Thomas Publisher, 1986., p. 830

▶ Hazardous Substances Data Bank (HSDB)

/LABORATORY ANIMALS: Acute Exposure/ Hypertonic sodium chloride (NaCl) infused into the carotid arteries increases arterial blood pressure (AP) and changes sympathetic nerve activity (SNA) via cerebral mechanisms. /The researchers/ hypothesized that elevated sodium levels in the blood supply to the brain would induce differential responses in renal and cardiac SNA via sensors located outside the blood-brain barrier. To investigate this hypothesis we measured renal and cardiac SNA simultaneously in conscious sheep during intracarotid (IC) infusions of NaCl (1.2 M), sorbitol (2.4 M) or urea (2.4 M) at 1 mL/min up each carotid. IC NaCl significantly increased AP (91 + or - 2 to 97 + or - 3 mmHg, p <0.05) without changing heart rate (HR). IC NaCl was associated with no change in cardiac SNA (11 + or - 5.0%), but a significant inhibition of renal SNA (-32.5 + or - 6.4%, p <0.05). Neither IC sorbitol nor urea changed AP, HR, CVP or cardiac and renal SNA. The changes in AP and renal SNA were completely abolished by microinjection of the GABA agonist muscimol (5mM, 500nL) into the paraventricular nucleus of the hypothalamus (PVN). Infusion of IC NaCl for 20 min stimulated a larger increase in water intake (1100 + or - 75 mL) than IC sorbitol (683 + or - 125 mL) or IC urea (0 mL). These results demonstrate that acute increases in blood sodium levels cause a decrease in renal but no change in cardiac SNA in conscious sheep. These effects are mediated by cerebral sensors located outside the blood-brain barrier that are more responsive to changes in sodium concentration than osmolality. The renal sympatho-inhibitory effects of sodium are mediated via a pathway that synapses in the PVN.

#### PMID:24523342

Full text: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4043129

Frithiof R et al; Am J Physiol Regul Integr Comp Physiol. 2014 Feb 12. (Epub ahead of print)

▶ Hazardous Substances Data Bank (HSDB)

For more Non-Human Toxicity Excerpts (Complete) data for SODIUM CHLORIDE (18 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

### 13.1.11 Human Toxicity Values



The estimated fatal dose of sodium chloride is approximately 0.75 to 3.00 g/kg

Dart, R.C. (ed). Medical Toxicology. Third Edition, Lippincott Williams & Wilkins. Philadelphia, PA. 2004., p. 1057

▶ Hazardous Substances Data Bank (HSDB)

An estimated dose of more than 400 mEq/kg resulted in brain injury and death in a 2 year old child given a salt water solution to induce emesis.

Dart, R.C. (ed). Medical Toxicology. Third Edition, Lippincott Williams & Wilkins. Philadelphia, PA. 2004., p. 1057

▶ Hazardous Substances Data Bank (HSDB)

# 13.1.12 Non-Human Toxicity Values LD50 Rat oral 3000 mg/kg



Lewis, R.J. Sr. (ed) Sax's Dangerous Properties of Industrial Materials. 11th Edition. Wiley-Interscience, Wiley & Sons, Inc. Hoboken, NJ. 2004., p. 3238

▶ Hazardous Substances Data Bank (HSDB)

### LD50 Mouse intracervical 131 mg/kg

Lewis, R.J. Sr. (ed) Sax's Dangerous Properties of Industrial Materials. 11th Edition. Wiley-Interscience, Wiley & Sons, Inc. Hoboken, NJ. 2004., p. 3238

▶ Hazardous Substances Data Bank (HSDB)

### LD50 Mouse iv 645 mg/kg

Lewis, R.J. Sr. (ed) Sax's Dangerous Properties of Industrial Materials. 11th Edition. Wiley-Interscience, Wiley & Sons, Inc. Hoboken, NJ. 2004., p. 3238

▶ Hazardous Substances Data Bank (HSDB)

#### LD50 Mouse ip 6614 mg/kg

Lewis, R.J. Sr. (ed) Sax's Dangerous Properties of Industrial Materials. 11th Edition. Wiley-Interscience, Wiley & Sons, Inc. Hoboken, NJ. 2004., p. 3238

▶ Hazardous Substances Data Bank (HSDB)

For more Non-Human Toxicity Values (Complete) data for SODIUM CHLORIDE (6 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

#### 13.1.13 Ecotoxicity Values



LC50; Species: Ceriodaphnia dubia (Water flea); Conditions: freshwater, renewal, temp 25.6-26.8 °C, pH 8.4 (8.3-8.5), hardness 102 mg/L CaCO3 (94-104 mg/L), salinity <1 ppt, alkalinity 80 mg/L CaCO3 (75-87 mg/L), conductivity 493 umhos/cm (460-550 umhos/cm), dissolved oxygen 8.6 mg/L (8.3-9.6 mg/L); Concentration: ~ 2000 mg/L for 192 hr /total/

Cowqill UM, Milazzo DP; Bull Environ Contam Toxicol 46 (1): 36-40 (1991) Available from, as of November 21, 2006

▶ Hazardous Substances Data Bank (HSDB)

EC50; Species: Ceriodaphnia dubia (Water flea); Conditions: freshwater; Concentration: 2122.55 mg/L (95% confidence limit: 1493 to 2644 mg/L) for 48 hr; Effect: intoxication, immobilization /total/Warne MSJ, Schifko AD; Ecotoxicol Environ Saf 44 (2): 196-206 (1999) Available from, as of November 21, 2006

▶ Hazardous Substances Data Bank (HSDB)

LC50; Species: Ceriodaphnia dubia (Water flea); Conditions: freshwater, renewal; Concentration: 280000 ug/L for 7 day /total/

DeGraeve GM et al; Environ Toxicol Chem 11 (6): 851-866 (1992) Available from, as of November 21, 2006

▶ Hazardous Substances Data Bank (HSDB)

LC50; Species: Ceriodaphnia dubia (Water flea); Conditions: freshwater, static; Concentration: 1960000 ug/L (95% confidence limit: 1770000 to 2330000 ug/L) for 48 hr /total/

▶ Hazardous Substances Data Bank (HSDB)

For more Ecotoxicity Values (Complete) data for SODIUM CHLORIDE (45 total), please visit the HSDB record page.

▶ Hazardous Substances Data Bank (HSDB)

### 13.1.14 Ecotoxicity Excerpts



/BIRDS and MAMMALS/ In the field the possibility of birds dying from salt intoxication depends to a large extent on the form in which the salt has been ingested ... Birds appear to be susceptible to relatively small doses in their drinking water, concentrations as low as 0.54% causing serious mortality in day old chicks. The maximum safe level is of the order of 0.25%.

Clarke, M. L., D. G. Harvey and D. J. Humphreys. Veterinary Toxicology. 2nd ed. London: Bailliere Tindall, 1981., p. 40

► Hazardous Substances Data Bank (HSDB)

/BIRDS and MAMMALS/ The use of sodium chloride as a deicing agent on roads is believed to intoxicate passerine birds

Gupta, R. C. (ed.) Veterinary Toxicology: Basic and Clinical Principles. 1st ed. New York, NY, p.673 (2007)

▶ Hazardous Substances Data Bank (HSDB)

/AQUATIC SPECIES/ This study presents a preliminary evaluation of the use of the Brazilian fish Cynopoecilus melanotaenia as a test organism in toxicity tests. The cryptobiotic stage presented by the eggs of fish C. melanotaenia can overcome the difficulty of continuously keeping cultures and recruiting healthy animals in sufficient numbers to be used in toxicity tests. In order to determine the applicability of this species as a test organism, three different reference substances were evaluated in 96-hr acute toxicity tests: Copper sulfate (CuSO4 x 5H2O), sodium dodecil sulfate (C12H25NaO4S), and sodium chloride (NaCl). Sensitivity ranged as follows: copper sulfate (0.05-0.13 mg/L), sodium dodecil sulfate (10.7-19.0 mg/L), and sodium chloride (1.44-1.96 g/L) ...

### PMID:12959549

Arenzon A et al; Environ Toxicol Chem 22 (9): 2188-90 (2003)

▶ Hazardous Substances Data Bank (HSDB)

/AQUATIC SPECIES/ Field and laboratory experiments were conducted to examine the effects of road salt (NaCl) on stream macroinvertebrates. Field studies investigated leaf litter processing rates and functional feeding group composition at locations upstream and downstream from point source salt inputs in two Michigan, USA streams. Laboratory studies determined the effects of increasing NaCl concentrations on aquatic invertebrate drift, behavior, and survival. Field studies revealed that leaves were processed faster at upstream reference sites than at locations downstream from road salt point source inputs. However, it was sediment loading that resulted in partial or complete burial of leaf packs, that affected invertebrate activity and confounded normal leaf pack colonization. There were no significant differences that could be attributed to road salt between upstream and downstream locations in the diversity and composition of invertebrate functional feeding groups. Laboratory drift and acute exposure studies demonstrated that drift of Gammarus (Amphipoda) may be affected by NaCl at concentrations greater than 5000 mg/L for a 24-hr period. This amphipod and two species of limnephilid caddisflies exhibited a dose response to salt treatments with 96-hr LC50 values of 7700 and 3526 mg NaCl/L, respectively. Most other invertebrate species and individuals were unaffected by NaCl concentrations up to 10,000 mg/L for 24 and 96 hr, respectively.

#### PMID:12395833

Blasius BJ et al; Environ Pollut 120 (2): 219-31 (2002,

▶ Hazardous Substances Data Bank (HSDB)

### 13.1.15 Ongoing Test Status



The following link will take the user to the National Toxicology Program (NTP) Test Agent Search Results page, which tabulates all of the "Standard Toxicology & Carcinogenesis Studies", "Developmental Studies", and "Genetic Toxicity Studies" performed with this chemical. Clicking on the "Testing Status" link will take the user to the status (i.e., in review, in progress, in preparation, on test, completed, etc.) and results of all the studies that the NTP has done on this chemical. [Available from, as of February 18, 2014: http://ntp-apps.niehs.nih.gov/ntp\_tox/index.cfm? fuseaction=ntpsearch.searchresults&searchterm=7647-14-5]

▶ Hazardous Substances Data Bank (HSDB)

### 13.1.16 Populations at Special Risk



Sodium chloride is contraindicated in patients with conditions in which administration of sodium and chloride is detrimental. Sodium chloride 3 and 5% injections are also contraindicated in the presence of increased, normal, or only slightly decreased serum electrolyte concentrations.

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2759

Sodium chloride should be used with extreme caution, if at all, in patients with congestive heart failure or other edematous or sodium-retaining conditions, in patients with severe renal insufficiency, in patients with liver cirrhosis, and in patients receiving corticosteroids or corticotropin; particular caution is necessary in geriatric or postoperative patients. IV administration of sodium chloride may cause fluid and/or solute overload resulting in dilution of serum electrolytes, overhydration, congestive conditions, or pulmonary edema. The risk of dilutional conditions is inversely proportional to the electrolyte concentration administered, and the risk of solute overload and resultant congestive conditions with peripheral and/or pulmonary edema is directly proportional to the electrolyte concentration administered. The manufacturers warn that excessive IV administration of sodium chloride may result in hypokalemia

American Society of Health-System Pharmacists 2013; Drug Information 2013. Bethesda, MD. 2013, p. 2759

▶ Hazardous Substances Data Bank (HSDB)

### 13.1.17 Protein Binding

?

Sodium is not bound by plasma proteins.

▶ DrugBank

### 13.2 Ecological Information



#### 13.2.1 Natural Pollution Sources



Sodium chloride, commonly known as salt, table salt, and sea salt, is abundant in nature(1)

(1) USEPA/OPPTS; Reregistration Eligibility Decisions (REDs) Database on Inorganic Halides. LIST D, Case 4051. Available from, as of Dec 30, 2013: https://www.epa.gov/pesticides/reregistration/status.htm

Hazardous Substances Data Bank (HSDB)

Ocean water: 2.6% concentration; deposits in central New York, southern Michigan, Gulf Coast, Great Salt Lake, Newfoundland.

Lewis, R.J. Sr.: Hawley's Condensed Chemical Dictionary 15th Edition, John Wiley & Sons, Inc. New York, NY 2007, p. 1140

▶ Hazardous Substances Data Bank (HSDB)

Sodium chloride occurs in nature as the mineral halite.

O'Neil, M.J. (ed.). The Merck Index - An Encyclopedia of Chemicals, Drugs, and Biologicals. Cambridge, UK: Royal Society of Chemistry, 2013., p. 1596

▶ Hazardous Substances Data Bank (HSDB)

In the Western hemisphere, there are 10 principal salt beds: (1) the Maritime provinces of eastern Canada; (2) Appalachian (New York, Ohio, and Ontario); (3) Michigan (Michigan and Ontario); (4) Williston (North and South Dakota, Montana, and Saskatchewan); (5) Alberta (northern and eastern Alberta); (6) Mackenzie (Northwest Territories); (7) Permian (west Texas, New Mexico, Oklahoma, and Kansas); (8) Paradox (southeast Utah and southwest Colorado); (9) Supai (New Mexico and Arizona); and (10) the Gulf region (southern United States, eastern Mexico, and Cuba... These bedded deposits are found with layers of halite separated by layers of anhydrite (calcium sulfate). Other mineral impurities that have been identified in salt formations include shale, iron pyrites, and silica.

Feldman SR et al; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 14 Oct 2011

▶ Hazardous Substances Data Bank (HSDB)

### 13.2.2 Other Environmental Concentrations



Environmental effects of elevated salinity levels resulting from use of salt are highly site-specific. Deicing salt can be used to ensure traffic safety and mobility without causing environmental harm by implementing sensible salting techniques and recommending the planting of salt-tolerant trees, grasses, and shrubs along roadsides. Automobile manufacturers have improved vehicle construction and materials, such as using more plastics, to such a degree that car warranties for corrosion perforation in 2000 model year cars sold in the USA ranged from 4 to 12 years. Highway and bridge structures are lasting longer due to improved construction design and materials, such as epoxy-coated reinforced steel concrete and use of high quality air-entrained concrete(1)

(1) Feldman SR et al; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 14 Oct 2011

▶ Hazardous Substances Data Bank (HSDB)

#### 13.2.3 Probable Routes of Human Exposure



According to the 2006 TSCA Inventory Update Reporting data, the number of persons reasonably likely to be exposed in the industrial manufacturing, processing, and use of sodium chloride is 1000 or greater; the data may be greatly underestimated(1).

(1) US EPA; Inventory Update Reporting (IUR). Non-confidential 2006 IUR Records by Chemical, including Manufacturing, Processing and Use Information. Washington, DC: U.S. Environmental Protection Agency. Available from, as of Dec 30, 2013: https://cfpub.epa.gov/iursearch/index.cfm

▶ Hazardous Substances Data Bank (HSDB)

NIOSH (NOES Survey 1981-1983) has statistically estimated that 1,747,983 workers (819,264 of these were female) were potentially exposed to sodium chloride in the US(1). The NOES Survey does not include farm workers. Occupational exposure to sodium chloride may occur through inhalation and dermal contact with this compound at workplaces where sodium chloride is produced or used. Use data indicate that the general population may be exposed to sodium chloride via ingestion of food and drinking water, and dermal contact with consumer products containing sodium chloride(SRC).

(1) NIOSH; NOES. National Occupational Exposure Survey conducted from 1981-1983. Estimated numbers of employees potentially exposed to specific agents by 2-digit standard industrial classification (SIC). Available from, as of Dec 30, 2013: https://www.cdc.gov/noes,

▶ Hazardous Substances Data Bank (HSDB)

### 13.2.4 Average Daily Intake





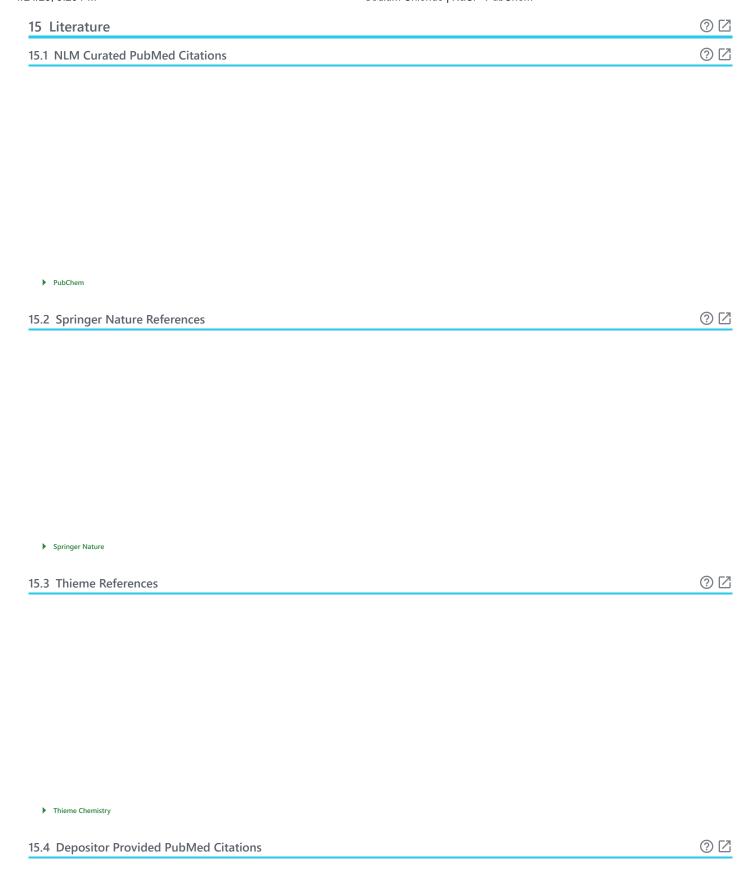
Most of the world's population chooses to consume approximately 6,000 to 11,000 mg of sodium chloride a day. The average daily sodium intake form all sources is 3,450 mg (8,770 mg sodium chloride). The GRAS review of the FDA publishes the amount of naturally occurring sodium in the American diet as 1,000 to 1,500 mg/day, equivalent to the amount of sodium in approximately 2,500 to 3,800 mg sodium chloride. The average daily intake of sodium chloride from food-grade salt used in food processing and from salt added to cooking and at the table is from 4,960 to 6,230 mg sodium chloride. Salt is a requirement in the diet. The safe and adequate intake for adults is reported as 1,875 to 5,625 mg. The National Academies recommends that Americans consume a minimum of 500 mg/day of sodium to maintain good health(1).

(1) Feldman SR et al; Sodium Chloride. Kirk-Othmer Encyclopedia of Chemical Technology. (1999-2013). New York, NY: John Wiley & Sons. Online Posting Date: 14 Oct 2011



▶ Comparative Toxicogenomics Database (CTD)

▶ Therapeutic Target Database (TTD)



▶ PubChem **②** 🗹 15.5 General References 1. ChemIDplus 2. Pubchem ▶ DrugBank @ 🗵 15.6 Chemical Co-Occurrences in Literature PubChem @ 🗵 15.7 Chemical-Gene Co-Occurrences in Literature PubChem

15.8 Chemical-Disease Co-Occurrences in Literature

@ 🗵

PubChem

16 Patents ② 🖸

US5945449 US10646512 US7300674 US10792306 US6077836 US10780112 US6248726 US10918723 US7291324 US7169381 US7658914 US7084130 US9326969 US9592252 US9707297 US8999313 US10016504

DrugBank

### 16.1 Depositor-Supplied Patent Identifiers



PubChem

Link to all deposited patent identifiers

PubChem

### 16.2 WIPO PATENTSCOPE

**②** 🗹

Patents are available for this chemical structure:

https://patentscope.wipo.int/search/en/result.jsf? inchikey = FAPWRFPIFSIZLT-UHFFFAOYSA-Mattheward and the sum of the properties of the

▶ PATENTSCOPE (WIPO)

### 16.3 FDA Orange Book Patents



Showing 3 of 13 View More

Patent	7169381
Expiration	Sep 1, 2024
Applicant	SALIX PHARMS
Drug Application	N021881 (Prescription Drug: MOVIPREP. Ingredients: ASCORBIC ACID   POLYETHYLENE GLYCOL 3350   POTASSIUM CHLORIDE   SODIUM ASCORBATE   SODIUM CHLORIDE   SODIUM SULFATE)

FDA Orange Book

Patent	7291324
Expiration	Oct 22, 2022
Applicant	BRAINTREE
Drug Application	N021551 (Prescription Drug: HALFLYTELY. Ingredients: BISACODYL   POLYETHYLENE GLYCOL 3350   POTASSIUM CHLORIDE   SODIUM BICARBONATE   SODIUM CHLORIDE)

▶ FDA Orange Book

Patent	7300674
Expiration	Mar 4, 2023
Applicant	DIALYSIS SUPS
Drug Application	N021910 (Prescription Drug: NORMOCARB HF 25. Ingredients: MAGNESIUM CHLORIDE   SODIUM BICARBONATE   SODIUM CHLORIDE) N021910 (Prescription Drug: NORMOCARB HF 35. Ingredients: MAGNESIUM CHLORIDE   SODIUM BICARBONATE   SODIUM CHLORIDE)

FDA Orange Book

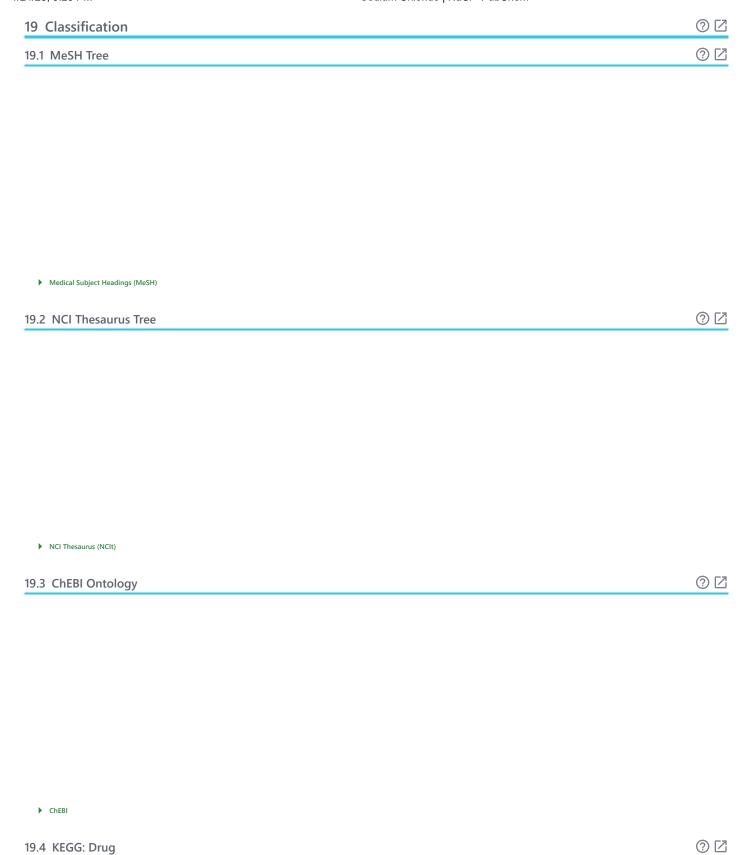


https://pubchem.ncbi.nlm.nih.gov/compound/Sodium-chloride

PubChem

18 Biological Test Results	② Z
18.1 BioAssay Results	② Z

PubChem



▶ KEGG

19.5 KEGG: USP ② 🖸

▶ KEGG

19.6 KEGG: ATC

▶ KEGG

19.7 KEGG: JP15

▶ KEGG

19.8 KEGG: Risk Category of Japanese OTC Drugs

**②** 🗹

▶ KEGG

19.9 KEGG: OTC drugs

▶ KEGG

### 19.10 KEGG: Animal Drugs

**②** 🗵

#### Showing 1 of 1

Animal drugs in Japan > Sodium chloride

▶ KEGG

### 19.11 WHO ATC Classification System



### Showing 4 of 4

ATC Code > A - Alimentary tract and metabolism > A12 - Mineral supplements > A12C - Other mineral supplements > A12CA - Sodium >

A12CA01 - Sodium chloride

ATC Code > B - Blood and blood forming organs > B05 - Blood substitutes and perfusion solutions > B05C - Irrigating solutions > B05CB - Salt solutions >

**B05CB01 - Sodium chloride** 

ATC Code > B - Blood and blood forming organs > B05 - Blood substitutes and perfusion solutions > B05X - I.v. solution additives > B05XA - Electrolyte solutions >

B05XA03 - Sodium chloride

ATC Code > S - Sensory organs > S01 - Ophthalmologicals > S01X - Other ophthalmologicals > S01XA - Other ophthalmologicals >

S01XA03 - Sodium chloride, hypertonic

▶ WHO Anatomical Therapeutic Chemical (ATC) Classification

### 19.12 EPA Safer Choice



▶ EPA Safer Choice

19.13 ChemIDplus @ 🗵

▶ ChemIDplus

### 19.14 ChEMBL Target Tree

@ 🗵

#### Showing 2 of 2

ChEMBL Protein Target Tree > Enzyme > Protease > Serine protease > Serine protease PA clan >

#### Serine protease S1A subfamily

A serine endopeptidase secreted by the pancreas as its zymogen, CHYMOTRYPSINOGEN and carried in the pancreatic juice to the duodenum where it is activated by TRYPSIN. It selectively cleaves aromatic amino acids on the carboxyl side. [MESH:D002918]

ChEMBL Protein Target Tree > Enzyme >

A group of enzymes that catalyze the breaking of a chemical bond by means other than hydrolysis or oxidation

▶ ChEMBL

### 19.15 EPA CPDat Classification



Showing 5 of 171 View More

EPA CPDat Classification > Functional Use > OECD Functional Use > abrasive

EPA CPDat Classification > Functional Use > OECD Functional Use > adhesion/cohesion promoter

EPA CPDat Classification > Functional Use > OECD Functional Use > anticaking agent

EPA CPDat Classification > Functional Use > OECD Functional Use >

biocide

EPA CPDat Classification > Functional Use > OECD Functional Use >

chelating agent

▶ EPA Chemical and Products Database (CPDat)

### 19.16 NORMAN Suspect List Exchange Classification



Showing 5 of 40 View More

NORMAN Suspect List Exchange Classification > \$13 | EUCOSMETICS | Combined Inventory of Ingredients Employed in Cosmetic Products (2000) and Revised Inventory (2006) > Bulking

NORMAN Suspect List Exchange Classification > \$13 | EUCOSMETICS | Combined Inventory of Ingredients Employed in Cosmetic Products (2000) and Revised Inventory (2006) >

Viscosity controlling

NORMAN Suspect List Exchange Classification >

### S32 | REACH2017 | 2017 List of REACH Chemicals

A 2017 list of REACH chemicals including InChIKeys and spectral information, provided by N. Alygizakis and J. Slobodnik, El. Dataset DOI:10.5281/zenodo.2653020

NORMAN Suspect List Exchange Classification >

#### S77 | FCCDB | Food Contact Chemicals Database v5.0

The Food Contact Chemicals database (FCCdb, DOI:10.5281/zenodo.3240108) is a compilation of information on over 12,000 intentionally added food contact chemicals extracted from publicly available sources such as legislation or industry inventories for different types of food contact materials and selected sources of hazard information, as described by Groh et al. 2021 (see DOI:10.1016/j.envint.2020.106225). Structural information for ~6000 entries where clear mappings could be found was added by P. Chirsir into FCCdb Version ig ton the NORMAN Suspect List Exchange (see Dataset DOI:10.5281/zenodo.4625495). Further detailed descriptions for each sub-category in the classification tree can be found in the ReadMe tab of the FCCdb spreadsheet file, or in the respective sub-category tooltips (?' boxes).

NORMAN Suspect List Exchange Classification >

#### S37 | LITMINEDNEURO | Neurotoxicants from literature mining PubMed

A list of chemicals associated with neurotoxicity compiled through systematic literature mining of PubMed using MeSH terms, compiled by Nancy Baker, Antony Williams (US EPA) and Emma Schymanski (LCSB), details in Schymanski et al. 2019, DOI:10.1039/C9EM00068B. Dataset DOI:10.5281/zenodo.2653214

NORMAN Suspect List Exchange

#### 19.17 EPA DSSTox Classification



Showing 5 of 52 View More

CompTox Chemicals Dashboard Chemical Lists > LIST >

#### [ACSREAG] LIST: ACS Reagent Chemicals

Short\_Description: The ACS Committee on Analytical Reagents sets purity specifications for almost 500 reagent chemicals and over 500 standard-grade reference materials.

Long\_Description: The ACS Committee on Analytical Reagents sets purity specifications for almost 500 reagent chemicals and over 500 standard-grade reference materials. These specifications have become the de facto standards for chemicals used in many high-purity applications. In addition to detailing these specifications, ACS Reagent Chemicals provides general physical properties and analytical uses for all reagent chemicals as well as guidelines for standard analytical methods. The online book is available at https://pubs.acs.org/isbn/9780841230460

CompTox Chemicals Dashboard Chemical Lists > WATER >

#### [CALWATERBDS] WATER: California Water Boards Additive Information

Short\_Description: California Central Valley water board oil field additive constituents list

Long\_Description: California Central Valley water board oil field additive constituents list (Additive Information Updated June 2018)

CompTox Chemicals Dashboard Chemical Lists > LIST >

#### [CANADADSL] Canadian Domestic Substances List 2019

Short Description: The domestic substances list (DSL) is the sole standard against which a substance is judged to be "new" to Canada

Long\_Description: On May 4, 1994, Environment and Climate Change Canada published the domestic substances list (DSL) in Part II of the Canada Gazette. The DSL is an inventory of approximately 23 000 substances manufactured in, imported into or used in Canada on a commercial scale. It is based on substances present in Canada, under certain conditions, between January 1, 1984 and December 31, 1986. The DSL is the sole standard against which a substance is judged to be "new" to Canada. With few exemptions, all substances not on this list are considered new and must be reported prior to importation or manufacture in order that they can be assessed to determine if they are toxic or could become toxic to the environment or human health.

CompTox Chemicals Dashboard Chemical Lists > LIST :

### [CIGARETTES] TOBACCO|SMOKING|WIKILIST: Additives in cigarettes

Short\_Description: This is a partial list of the 599 additives in cigarettes submitted to the United States Department of Health and Human Services in April 1994.

Long\_Description: This is a partial list of the 599 additives in cigarettes submitted to the United States Department of Health and Human Services in April 1994. It applies, as documented, only to American manufactured cigarettes intended for distribution within the United States by the listed companies. The five major tobacco companies that reported the information were: American Tobacco Company Brown and Williamson Liggett Group Inc. Philip Morris Inc. RJ. Reynolds Tobacco Company The data were sourced from Wikipedia at https://en.wikipedia.org/wiki/List\_of\_additives\_in\_cigarettes

CompTox Chemicals Dashboard Chemical Lists > CATEGORY >

#### [COSMOSDB] CATEGORY|COSMETICS: COSMOS DB cosmetics database

Short\_Description: COSMOS - Integrated in silico models for the prediction of human repeated-dose toxicity of COSMetics to Optimize Safety

Long\_Description: COSMOS was a unique collaboration addressing the safety assessment needs of the cosmetics industry, without the use of animals. The main aim of COSMOS was to develop freely available tools and workflows to precident the safety to humans following the use of cosmetic ingredients. The project ran from January 2011 - December 2015. Major results and links to the legacy tools are available from the COSMOS website. This is a partial listing and data curation is presently ongoing.

▶ EPA DSSTox

### 19.18 Consumer Product Information Database Classification



Showing 5 of 8 View More

Consumer Products Category Classification >

**Auto Products** 

Consumer Products Category Classification >

Commercial / Institutional

Consumer Products Category Classification

Home Maintenance

Consumer Products Category Classification >

Inside the Home

Consumer Products Category Classification >

Landscaping/Yard

► Consumer Product Information Database (CPID)

### 19.19 FDA Drug Type and Pharmacologic Classification



Showing 5 of 6 View More

FDA Drug Type and Pharmacologic Classification > Drug Type >

**HUMAN OTC DRUG** 

FDA Drug Type and Pharmacologic Classification > Drug Type >

HUMAN PRESCRIPTION DRUG

FDA Drug Type and Pharmacologic Classification > Pharmacologic Class > [PE] Physiologic Effect >
Increased Large Intestinal Motility [PE]

FDA Drug Type and Pharmacologic Classification > Pharmacologic Class > [PE] Physiologic Effect >
Inhibition Large Intestine Fluid/Electrolyte Absorption [PE]

FDA Drug Type and Pharmacologic Classification > Pharmacologic Class > [MoA] Mechanism of Action >
Osmotic Activity [MoA]

National Drug Code (NDC) Directory

### 19.20 EPA Substance Registry Services Tree





EPA SRS List Classification > Ad Hoc >

### **Safer Chemical Ingredients List**

SCIL:: The Safer Chemical Ingredients List (SCIL) is a list of chemical ingredients, arranged by functional-use class, that the Safer Choice Program has evaluated and determined to be safer than traditional chemical ingredients. This list is designed to help manufacturers find safer chemical alternatives that meet the criteria of the Safer Choice Program.

EPA SRS List Classification > Ad Hoc >

#### Synonyms Provided by Submitters to the TSCA Inventory

TSCA INV SYN :: Synonyms Provided by Submitters to the TSCA Inventory

EPA SRS List Classification > Ad Hoc >

#### Wisconsin Department of Natural Resources

WDNR :: Substances compiled by WDNR

EPA SRS List Classification > EPA Application/System >

#### 2012 Chemical Data Reporting

2012 CDR: This list contains chemicals that were reported to EPA's 2012 Chemical Data Reporting (CDR). Companies that manufacture (including import) certain chemicals at certain volumes in the U.S. must report to EPA every four years through its CDR. The vast majority of chemicals on this 2012 CDR list needed to be reported, but some of these chemicals were not required to be reported. EPA uses the CDR data to support many health, safety, and environmental protection activities.

EPA SRS List Classification > EPA Application/System >

#### **CAMEO Chemicals**

CAMEO Chemicals is an emergency response and planning tool. This program includes an extensive chemical database with critical response information for thousands of chemicals, as well as a reactivity prediction tool that allows you to see what hazards might occur if chemicals in your collection were mixed together. CAMEO Chemicals is available as a website, mobile website, and a desktop application. CAMEO Chemicals is part of a software suite of programs called CAMEO (Computer-Aided Management of Emergency Operations). The CAMEO suite also includes a hazard modeling tool (ALOHA), a mapping program (MARPLOT), and two database applications (CAMEOfm and Tier2 Submit) designed to assist with the data management requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA, also known as SARA Title III). The CAMEO suite programs can be used (individually or together) to help first responders and emergency planners access and manage crucial chemical property and emergency response information for hazardous chemical releases. The CAMEO programs are developed jointly by EPA#?s Office of Emergency Management and NOAA#?s Office of Response and Restoration.

▶ EPA Substance Registry Services

### 20 Information Sources



FILTER BY SOURCE

ALL SOURCES

### 1. CAS Common Chemistry

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Sodium chloride

https://commonchemistry.cas.org/detail?cas rn=7647-14-5

Dock calt

https://commonchemistry.cas.org/detail?cas rn=14762-51-7

#### 2. ChemIDplus

LICENSE

https://www.nlm.nih.gov/copyright.html

Sodium chloride [USP:JAN]

https://pubchem.ncbi.nlm.nih.gov/substance/?source=chemidplus&sourceid=0007647145

Halite

https://pubchem.ncbi.nlm.nih.gov/substance/?source=chemidplus&sourceid=0014762517

Sodium chloride (Na36Cl)

https://pubchem.ncbi.nlm.nih.gov/substance/?source=chemidplus&sourceid=0032343729

ChemIDplus Chemical Information Classification

### 3. DrugBank

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https://www.drugbank.ca/legal/terms\_of\_use

Sodium chloride

https://www.drugbank.ca/drugs/DB0915.

Sea salt

https://www.drugbank.ca/drugs/DB11266

#### 4. DTP/NCI

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https://www.cancer.gov/policies/copyright-reuse

sodium chloride

https://dtp.cancer.gov/dtpstandard/servlet/dwindex?searchtype=NSC&output format=html&searchlist=77364

### 5. EPA Chemicals under the TSCA

LICENSE

https://www.epa.gov/privacy/privacy-act-laws-policies-and-resources

Sodium chloride (NaCl)

https://www.epa.gov/chemicals-under-tsca

### 6. EPA DSSTox

LICENSE

https://www.epa.gov/privacy/privacy-act-laws-policies-and-resources

Sodium chloride

https://comptox.epa.gov/dashboard/DTXSID3021271

Halite (NaCl)

https://comptox.epa.gov/dashboard/DTXSID501033754

Saline

https://comptox.epa.gov/dashboard/DTXSID6040379

CompTox Chemicals Dashboard Chemical Lists

#### 7. European Chemicals Agency (ECHA)

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https://echa.europa.eu/web/guest/legal-notice

Sodium chloride

https://echa.europa.eu/substance-information/-/substanceinfo/100.028.726

#### 8. FDA Global Substance Registration System (GSRS)

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intps// www.ida.gov/about ida/about website/ website po

Sodium chloride

Soalum Cnloriae https://gsrs.ncats.nih.gov/ginas/app/beta/substances/451W47IQ8X

### 9. Hazardous Substances Data Bank (HSDB)

SODIUM CHLORIDE

https://pubchem.ncbi.nlm.nih.gov/source/hsdb/6368

#### 10. ChEBI

Sodium chloride

http://www.ebi.ac.uk/chebi/searchId.do?chebiId=CHEBI:26710

http://www.ebi.ac.uk/chebi/userManualForward.do#ChEBI%20Ontology

#### 11. NCI Thesaurus (NCIt)

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https://ncithesaurus.nci.nih.gov/ncitbrowser/ConceptReport.jsp?dictionary=NCI\_Thesaurus&ns=ncit&code=C822

 $https://ncithesaurus.nci.nih.gov/ncitbrowser/ConceptReport.jsp? dictionary = NCI\_Thesaurus\&ns = ncit\&code = C72068 + C$ 

 $https://ncithesaurus.nci.nih.gov/ncitbrowser/ConceptReport.jsp? dictionary=NCI\_Thesaurus\&ns=ncit\&code=C75874. A superior of the property of$ 

NCI Thesaurus Tree

https://ncit.nci.nih.go

### 12. Toxin and Toxin Target Database (T3DB)

LICENSE

T3DB is offered to the public as a freely available resource. Use and re-distribution of the data, in whole or in part, for commercial purposes requires explicit permission of the authors and explicit acknowledgment of the source material (T3DB) and the original publication.

http://www.t3db.ca/downloads

Sodium chloride

http://www.t3db.ca/toxins/T3D4666

#### 13. ClinicalTrials.gov

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https://clinicaltrials.gov/ct2/about-site/terms-conditions#Use

https://clinicaltrials.gov/

### 14. Comparative Toxicogenomics Database (CTD)

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Sodium Chloride

https://ctdbase.org/detail.go?type=chem&acc=D012965

Sodium Chloride, Dietary

https://ctdbase.org/detail.go?type=chem&acc=D01767

Salts

https://ctdbase.org/detail.go?type=chem&acc=D012492

#### 15. Drug Gene Interaction database (DGIdb)

LICENSI

The data used in DGldb is all open access and where possible made available as raw data dumps in the downloads section.

http://www.dgidb.org/downloads

SODIUM CHLORIDE

https://www.dgidb.org/drugs/SODIUM CHLORIDE

### 16. Therapeutic Target Database (TTD)

Sodium chloride

https://idrblab.net/ttd/data/drug/details/D04YZ

### 17. Consumer Product Information Database (CPID)

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https://www.whatsinproducts.com/contents/view/1/6

Sodium chloride

https://www.whatsinproducts.com/chemicals/view/1/58/007647-14-5

Consumer Products Category Classification

https://www.whatsinproducts.com/

### 18. DailyMed

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https://www.nlm.nih.gov/copyright.html

AMINO ACIDS; CALCIUM ACETATE; GLYCERIN; MAGNESIUM ACETATE; PHOSPHORIC ACID; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE

ASCORBIC ACID; POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM ASCORBATE; SODIUM CHLORIDE; SODIUM SULFATE

https://dailymed.nlm.nih.gov/dailymed/search.cfm?labeltype=all&query=ASCORBIC+ACID;+POLYETHYLENE+GLYCOL+3350;+POTASSIUM+CHLORIDE;+SODIUM+ASCORBATE;+SODIUM+CHLORIDE;+SODIUM+SULFATE

CALCIUM CHLORIDE; DEXTROSE; GLUTATHIONE DISULFIDE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM BICARBONATE; SODIUM CHLORIDE; SODIUM PHOSPHATE

https://dailymed.nlm.nih.gov/dailymed/search.cfm?labeltype=all&query=BSS+PLUS

MAGNESIUM SULFATE: POTASSIUM CHLORIDE; POTASSIUM PHOSPHATE, MONOBASIC; SODIUM CHLORIDE; SODIUM PHOSPHATE

https://dailymed.nlm.nih.gov/dailymed/search.cfm?labeltype=all&query=TIS-U-SOL
POLYETHYLENE GLYCOL 3350: POTASSIUM CHLORIDE: SODIUM BICARBONATE: SODIUM CHLORIDE: SODIUM SULFATE ANHYDROUS

https://doi.pmed.nlm.nih.gov/doi.pmed/search.cfm?labet/ppe=all&query=POLYETHYLLE-GLYCOL+33550-HOTASIUM+CHLORIDE;+SODIUM+BICARBONATE;+SODIUM+CHLORIDE;+SODIUM+SULFATE+ANHYDROUS-CHLORIDE;+SODIUM+BICARBONATE;

SODIUM CHLORIDE

nttps://dailymed.nlm.nih.gov/dailymed/search.cfm?labeltype=all&query=SODIUM+CHLORIDE

CALCIUM CHLORIDE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE

https://dailymed.nlm.nih.gov/dailymed/search.cfm?labeltype=all&query=CALCIUM+CHLORIDE; +MAGNESIUM+CHLORIDE; +POTASSIUM+CHLORIDE; +SODIUM+ACETATE; +SODIUM+CHLORIDE; +SODIUM+

CALCIUM CHLORIDE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE; SODIUM CITRATE

https://dailymed.nlm.nih.gov/dailymed/search.cfm?labeltype=all&query=CALCIUM+CHLORIDE;+MAGNESIUM+CHLORIDE;+POTASSIUM+CHLORIDE;+SODIUM+ALETATE;+SODIUM+CHLORIDE;+SODIUM+CITRATE

DEXTROSE; SODIUM CHLORIDE

https://dailymed.nlm.nih.gov/dailymed/search.cfm?labeltype=all&query=DEXTROSE;+SODIUM+CHLORIDE

POTASSIUM CHLORIDE; SODIUM CHLORIDE

https://dailymed.nlm.nih.gov/dailymed/search.cfm? label type = all & query = POTASSIUM + CHLORIDE; + SODIUM + CH

BISACODYL; POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM BICARBONATE; SODIUM CHLORIDE
https://dailymed.nlm.nih.gov/dailymed/search.cfm?labeltype=all&query=BISACODYL;+POLYETHYLENE+GLYCOL+3350;+POTASSIUM+CHLORIDE;+SODIUM+BICARBONATE;+SODIUM+CHLORIDE

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# EXHIBIT PAGE 156 DE 1337 I - PubChem

CALCIUM CHLORIDE; DEXTROSE; LACTIC ACID; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM BICARBONATE; SODIUM CHLORIDE

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CALCIUM CHLORIDE; DEXTROSE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE

arch.cfm?labeltype=all&query=CALCIUM+CHLORIDE;+DEXTROSE;+MAGNESIUM+CHLORIDE;+POTASSIUM+CHLORIDE;+SODIUM+ACETATE;+SODIUM+CHLORIDE

CALCIUM CHLORIDE: DEXTROSE: MAGNESIUM CHLORIDE: SODIUM ACETATE: SODIUM CHLORIDE

. Aquery=CALCIUM+CHLORIDE;+DEXTROSE;+MAGNESIUM+CHLORIDE;+SODIUM+ACETATE;+SODIUM+CHLORIDE

CALCIUM CHLORIDE; DEXTROSE; MAGNESIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE

CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE

eltype=all&query=CALCIUM+CHLORIDE;+DEXTROSE;+POTASSIUM+CHLORIDE;+SODIUM+ACETATE;+SODIUM+CHLORIDE

CALCIUM CHLORIDE: DEXTROSE: POTASSIUM CHLORIDE: SODIUM CHLORIDE

eltype=all&query=CALCIUM+CHLORIDE;+DEXTROSE;+POTASSIUM+CHLORIDE;+SODIUM+CHLORIDE

CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE

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arch.cfm?labeltype=all&query=CALCIUM+CHLORIDE;+MAGNESIUM+CHLORIDE;+POTASSIUM+CHLORIDE;+SODIUM+BICARBONATE;+SODIUM+CHLORIDE;+SODIUM+PHOSPHATE

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CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE

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DEXTROSE; MAGNESIUM ACETATE; POTASSIUM ACETATE; SODIUM CHLORIDE

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DEXTROSE; POTASSIUM CHLORIDE; POTASSIUM PHOSPHATE, DIBASIC; SODIUM ACETATE; SODIUM CHLORIDE

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SODIUM CHLORIDE

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appsexternal.fda.gov/scripts/fdcc/index.cfm?set=FoodSubstances&id=SODIUMCHLORIDE

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Therapeutic category of drugs in Japan

http://www.genome.jp/kegg-bin/get\_htext?br08301.keg

USP drug classification

http://www.genome.jp/kegg-bin/get\_htext?br08302.keg

Anatomical Therapeutic Chemical (ATC) classification http://www.genome.jp/kegg-bin/get\_htext?br08303.keg

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Risk category of Japanese OTC drugs

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Classification of Japanese OTC drugs

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SID 403029481

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# Sodium chloride

**Sodium chloride** /ˌsoʊdiəm ˈklɔːraId/, [8] commonly known as salt (although sea salt also contains other chemical salts), is an ionic compound with the chemical formula **NaCl**, representing a 1:1 ratio of sodium and chloride ions. With molar masses of 22.99 and 35.45 g/mol respectively, 100 g of NaCl contains 39.34 g Na and 60.66 g Cl. Sodium chloride is the salt most responsible for the salinity of seawater and of the extracellular fluid of many multicellular organisms. In its edible form, salt (also known as *table salt*) is commonly used as a condiment and food preservative. Large quantities of sodium chloride are used in many industrial processes, and it is a major source of sodium and chlorine compounds used as feedstocks for further chemical syntheses. Another major application of sodium chloride is de-icing of roadways in sub-freezing weather.

# Uses

In addition to the familiar domestic uses of salt, more dominant applications of the approximately 250 million tonnes per year production (2008 data) include chemicals and de-icing. [9]

### **Chemical functions**

Salt is used, directly or indirectly, in the production of many chemicals, which consume most of the world's production. [10]

### **Chlor-alkali industry**

It is the starting point for the <u>chloralkali process</u>, the industrial process to produce <u>chlorine</u> and <u>sodium hydroxide</u>, according to the chemical equation

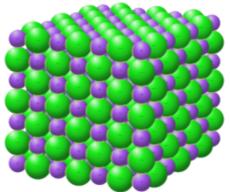
$$2\,\mathrm{NaCl} + 2\,\mathrm{H_2O} \xrightarrow{electrolysis} \mathrm{Cl_2} + \mathrm{H_2} + 2\,\mathrm{NaOH}$$

This electrolysis is conducted in either a mercury cell, a diaphragm cell, or a membrane cell. Each of those uses a different method to separate the chlorine from the sodium hydroxide. Other technologies are under development due to the high energy consumption of the electrolysis, whereby small improvements in the efficiency can have large economic paybacks. Some applications of chlorine include <a href="PVC">PVC</a> thermoplastics production, disinfectants, and solvents.

### Sodium chloride



Sodium chloride crystals in a form of halite



Crystal structure with sodium in purple and chloride in green<sup>[1]</sup>

### **Names**

**IUPAC** name

Sodium chloride

Other names

Common salt

halite

rock salt

saline

table salt

regular salt

sea salt

### **Identifiers**

Sodium hydroxide is extensively used in many different industries enabling production of paper, soap, and aluminium etc.

# **Soda-ash industry**

Sodium chloride is used in the <u>Solvay process</u> to produce <u>sodium carbonate</u> and <u>calcium chloride</u>. Sodium carbonate, in turn, is used to produce glass, <u>sodium bicarbonate</u>, and <u>dyes</u>, as well as a myriad of other chemicals. In the <u>Mannheim process</u>, sodium chloride is used for the production of <u>sodium sulfate</u> and hydrochloric acid.

### **Standard**

Sodium chloride has an international standard that is created by <u>ASTM International</u>. The standard is named **ASTM E534-13** and is the standard test methods for chemical analysis of sodium chloride. These methods listed provide procedures for analyzing sodium chloride to determine whether it is suitable for its intended use and application.

### Miscellaneous industrial uses

Sodium chloride is heavily used, so even relatively minor applications can consume massive quantities. In oil and gas exploration, salt is an important component of drilling fluids in well drilling. It is used to <u>flocculate</u> and increase the <u>density</u> of the drilling fluid to overcome high downwell gas pressures. Whenever a drill hits a salt formation, salt is added to the drilling fluid to saturate the solution in order to minimize the dissolution within the salt stratum. [9] Salt is also used to increase the curing of concrete in cemented casings. [10]

In textiles and dyeing, salt is used as a brine rinse to separate organic contaminants, to promote "salting out" of dyestuff precipitates, and to blend with concentrated dyes to standardize them. One of its main roles is to provide the positive ion charge to promote the absorption of negatively charged ions of dyes. [10]

It is also used in processing aluminium, beryllium, copper, steel and vanadium. In the pulp and paper industry, salt is used to bleach wood pulp. It also is used to make sodium chlorate, which is added along with sulfuric acid and water to manufacture chlorine dioxide, an excellent oxygen-based bleaching chemical. The chlorine dioxide process, which originated in Germany after World War I, is becoming more popular because of environmental pressures to reduce or eliminate chlorinated bleaching compounds. In tanning and leather treatment, salt is added to animal hides to inhibit microbial activity on the underside of the hides and to attract moisture back into the hides. [10]

CAS Number	7647-14-5 (https://c ommonchemistry.ca s.org/detail?cas_rn =7647-14-5) ✓
3D model (JSmol)	Interactive image (h ttps://chemapps.stol af.edu/jmol/jmol.ph p?model=%5BNa% 2B%5D.%5BCI-%5 D)
Beilstein Reference	3534976
ChEBI	CHEBI:26710 (http s://www.ebi.ac.uk/ch ebi/searchld.do?ch ebild=26710) *
ChEMBL	ChEMBL1200574 (https://www.ebi.ac. uk/chembldb/index. php/compound/insp ect/ChEMBL120057 4) *
ChemSpider	5044 (https://www.c hemspider.com/Che mical-Structure.504 4.html) ✓
ECHA InfoCard	100.028.726 (http s://echa.europa.eu/ substance-informati on/-/substanceinfo/ 100.028.726)
EC Number	231-598-3
Gmelin Reference	13673
KEGG	D02056 (https://www.kegg.jp/entry/D02056)
MeSH	Sodium+chloride (ht tps://www.nlm.nih.g ov/cgi/mesh/2014/M B_cgi?mode=&term =Sodium+chloride)

In rubber manufacture, salt is used to make <u>buna</u>, <u>neoprene</u> and white rubber types. Salt brine and sulfuric acid are used to coagulate an emulsified <u>latex</u> made from chlorinated butadiene. [10][9]

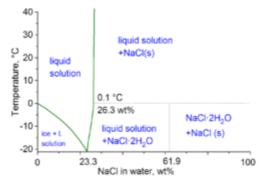
Salt also is added to secure the soil and to provide firmness to the foundation on which highways are built. The salt acts to minimize the effects of shifting caused in the subsurface by changes in humidity and traffic load. [10]

Sodium chloride is sometimes used as a cheap and safe <u>desiccant</u> because of its <u>hygroscopic</u> properties, making <u>salting</u> an effective method of <u>food preservation</u> historically; the salt draws water out of bacteria through <u>osmotic pressure</u>, keeping it from reproducing, a major source of food spoilage. Even though more effective desiccants are available, few are safe for humans to ingest.

# Water softening

<u>Hard water</u> contains calcium and magnesium ions that interfere with action of <u>soap</u> and contribute to the buildup of a scale or film of alkaline mineral deposits in household and industrial equipment and pipes. Commercial and residential water-softening units use <u>ion-exchange resins</u> to remove ions that cause the hardness. These resins are generated and regenerated using sodium chloride. [10][9]

### Road salt



Phase diagram of water-NaCl mixture

The second major application of salt is for <u>de-icing</u> and anti-icing of roads, both in <u>grit bins</u> and spread by <u>winter service vehicles</u>. In anticipation of snowfall, roads are optimally "anti-iced" with brine (concentrated <u>solution</u> of salt in water), which prevents bonding between the snow-ice and the road surface. This procedure obviates the heavy use of salt after the snowfall. For de-icing, mixtures of brine and salt are used, sometimes with additional agents such as <u>calcium chloride</u> and/or <u>magnesium chloride</u>. The use of salt or brine becomes ineffective below –10 °C (14 °F).

PubChem CID	5234 (https://pubch em.ncbi.nlm.nih.go v/compound/5234)
RTECS number	VZ4725000
UNII	451W47IQ8X (http s://fdasis.nlm.nih.go v/srs/srsdirect.jsp?r egno=451W47IQ8 X) ✓
CompTox Dashboard (EPA)	DTXSID3021271 (ht tps://comptox.epa.g ov/dashboard/chem ical/details/DTXSID 3021271)

### InChl

InChI=1S/CIH.Na/h1H;/q;+1/p-1 \*
Key: FAPWRFPIFSIZLT-UHFFFAO
YSA-M \*

InChI=1/ClH.Na/h1H;/q;+1/p-1 Key: FAPWRFPIFSIZLT-REWHXW OFAE

### **SMILES**

[Na+].[Cl-]

Properties	
Chemical formula	NaCl
Molar mass	58.443 g/mol <sup>[2]</sup>
Appearance	Colorless cubic crystals <sup>[2]</sup>
Odor	Odorless
Density	2.17 g/cm <sup>3[2]</sup>
Melting point	800.7 °C (1,473.3 °F; 1,073.8 K) <sup>[2]</sup>
Boiling point	1,465 °C (2,669 °F; 1,738 K) <sup>[2]</sup>
Solubility in water	360 g/1000 g pure water at T = 25 °C <sup>[2]</sup>
Solubility in ammonia	21.5 g/L at T = ?
Solubility in	14.9 g/L at T = ?



Mounds of road salt for use in winter

Salt for de-icing in the Kingdom United predominantly comes from a single mine in Winsford in Cheshire. Prior to distribution it is mixed with <100 of sodium ppm ferrocyanide as an anti-caking agent, which enables rock salt to flow freely out

of the gritting vehicles despite being stockpiled prior to use. In recent years this additive has also been used in table salt. Other additives had been used in road salt to reduce the total costs. For example, in the US, a byproduct carbohydrate solution from sugarbeet processing was mixed with rock salt and adhered to road surfaces about 40% better than loose rock salt alone. Because it stayed on the road longer, the treatment did not have to be repeated several times, saving time and money. [10]

In the technical terms of physical chemistry, the minimum freezing point of a water-salt mixture is -21.12 °C (-6.02 °F) for 23.31 wt% of salt. Freezing near this concentration is however so slow that the eutectic point of -22.4 °C (-8.3 °F) can be reached with about 25 wt% of salt. [11]

### **Environmental effects**

Road salt ends up in fresh-water bodies and could harm aquatic plants and animals by disrupting their <u>osmoregulation</u> ability. [12] The omnipresence of salt poses a problem in any coastal coating application, as trapped salts cause great problems in adhesion. Naval authorities and ship builders monitor the salt concentrations on surfaces during construction. Maximal salt concentrations on surfaces are dependent on the authority and application. The <u>IMO</u> regulation is mostly used and sets salt levels to a maximum of 50 mg/m<sup>2</sup> soluble salts measured as sodium chloride. These measurements are done by means of a <u>Bresle test</u>. Salinization (increasing salinity, aka <u>freshwater salinization</u> <u>syndrome</u>) and subsequent increased metal leaching is an ongoing problem throughout North America and European fresh waterways. [13]

In highway de-icing, salt has been associated with <u>corrosion</u> of bridge decks, motor vehicles, reinforcement bar and wire, and unprotected steel structures used in road construction. <u>Surface runoff</u>, vehicle spraying, and windblown actions also affect soil, roadside vegetation, and local surface water and groundwater supplies. Although evidence of environmental loading of salt has been found during peak usage, the spring rains and thaws usually dilute the concentrations of sodium in the area where salt was

methanol				
Magnetic susceptibility (χ)	-30.2·10 <sup>-6</sup> cm <sup>3</sup> /mol <sup>[3]</sup>			
$\frac{\text{Refractive}}{\text{index}} (n_{\text{D}})$	1.5441 (at 589 nm) <sup>[4]</sup>			
Structure <sup>[5]</sup>				
Crystal structure	Face-centered cubic (see text), cF8			
Space group	Fm3m (No. 225)			
<u>Lattice</u> <u>constant</u>	a = 564.02 pm			
Formula units (Z)	4			
Coordination geometry	octahedral at Na <sup>+</sup> octahedral at Cl <sup>-</sup>			
Therm	ochemistry <sup>[6]</sup>			
Heat capacity (C)	50.5 J/(K·mol)			
$\frac{\text{Std molar}}{\text{entropy}} \\ (S^{\Theta}_{298})$	72.10 J/(K·mol)			
$\begin{array}{c} \underline{\text{Std enthalpy}} \\ \underline{\text{of}} \\ \underline{\text{formation}} \\ (\Delta_{\text{f}} H^{\Theta}_{298}) \end{array}$	-411.120 kJ/mol			
Pha	rmacology			
ATC code	A12CA01 (WHO (htt ps://www.whocc.no/atc_ddd_index/?cod e=A12CA01)) B05CB01 (WHO (htt ps://www.whocc.no/atc_ddd_index/?cod e=B05CB01)), B05XA03 (WHO (htt ps://www.whocc.no/atc_ddd_index/?cod e=B05XA03)), S01XA03 (WHO (htt ps://www.whocc.no/atc_ddd_index/?cod e=B05XA03)),			
	e=S01XA03))			
-	lazards			

applied. [10] A 2009 study found that approximately 70% of the road salt being applied in the Minneapolis-St Paul metro area is retained in the local watershed. [14]

### **Substitution**

Some agencies are substituting <u>beer</u>, <u>molasses</u>, and <u>beet</u> juice instead of <u>road salt</u>. Airlines utilize more <u>glycol</u> and <u>sugar</u> rather than salt based solutions for de-icing. [16]

### Food industry and agriculture

Many <u>microorganisms</u> cannot live in a salty environment: water is drawn out of their <u>cells</u> by <u>osmosis</u>. For this reason salt is used to preserve some foods, such as bacon, fish, or cabbage.

Salt is added to food, either by the food producer or by the consumer, as a flavor enhancer, preservative, binder, fermentation-control additive, texture-control agent and color developer. The salt consumption in the food industry is subdivided, in descending order of consumption, into other food processing, meat packers, canning, baking, dairy and grain mill products. Salt is added to promote color development in bacon, ham and other processed meat products. As a preservative, salt inhibits the growth of bacteria. Salt acts as a binder in sausages to form a binding gel made up of meat, fat, and moisture. Salt also acts as a flavor enhancer and as a tenderizer. [10]

In many dairy industries, salt is added to cheese as a color-, fermentation-, and texture-control agent. The dairy subsector includes companies that manufacture creamery butter, condensed

**NFPA 704** (fire diamond) Lethal dose or concentration (LD, LC): LD<sub>50</sub>  $3 \text{ g/kg (oral, rats)}^{[7]}$ (median dose) **Related compounds** Other anions Sodium fluoride Sodium bromide Sodium iodide Sodium astatide Other cations Lithium chloride Potassium chloride Rubidium chloride Caesium chloride Francium chloride Supplementary data page Sodium chloride (data page) Except where otherwise noted, data are given for materials in their standard state (at 25 °C [77 °F], 100 kPa). X verify (what is \*\*?) Infobox references

and evaporated milk, frozen desserts, ice cream, natural and processed cheese, and specialty dairy products. In canning, salt is primarily added as a flavor enhancer and preservative. It also is used as a carrier for other ingredients, dehydrating agent, enzyme inhibitor and tenderizer. In baking, salt is added to control the rate of fermentation in bread dough. It also is used to strengthen the <u>gluten</u> (the elastic protein-water complex in certain doughs) and as a flavor enhancer, such as a topping on baked goods. The food-processing category also contains grain mill products. These products consist of milling flour and rice and manufacturing cereal breakfast food and blended or prepared flour. Salt is also used a seasoning agent, e.g. in potato chips, pretzels, cat and dog food. [10]

Sodium chloride is used in veterinary medicine as <u>emesis</u>-causing agent. It is given as warm saturated solution. Emesis can also be caused by pharyngeal placement of small amount of plain salt or salt crystals.

### Medicine

Sodium chloride is used together with water as one of the primary solutions for <u>intravenous therapy</u>. <u>Nasal</u> spray often contains a saline solution.

### **Firefighting**

Sodium chloride is the principal extinguishing agent in fire extinguishers (Met-L-X, Super D) used on combustible metal fires such as magnesium, potassium, sodium, and NaK alloys (Class D). Thermoplastic powder is added to the mixture, along with waterproofing (metal stearates) and anticaking materials (tricalcium phosphate) to form the extinguishing agent. When it is applied to the fire, the salt acts like a heat sink, dissipating heat from the fire, and also forms an oxygen-excluding crust to smother the fire. The plastic additive melts and helps the crust maintain its integrity until the burning metal cools below its ignition temperature. This type of extinguisher was invented in the late 1940s as a cartridge-operated unit, although stored pressure versions are now popular. Common sizes are 30 pounds (14 kg) portable and 350 pounds (160 kg) wheeled.



A class-D fire extinguisher for various metals

### Cleanser

Since at least <u>medieval</u> times, people have used salt as a cleansing agent rubbed on household surfaces. It is also used in many brands of shampoo, toothpaste and popularly to de-ice driveways and patches of ice.

### **Optical usage**

Defect-free NaCl crystals have an optical transmittance of about 90% for infrared light, specifically between 200 nm and 20 µm. They were therefore used in optical components (windows and prisms) operating in that spectral range, where few non-absorbing alternatives exist and where requirements for absence of microscopic inhomogeneities are less strict than in the visible range. While inexpensive, NaCl crystals are soft and <a href="https://nygroscopic">hygroscopic</a> – when exposed to the ambient air, they gradually cover with "frost". This limits application of NaCl to dry environments, vacuum sealed assembly areas or for short-term uses such as prototyping. Nowadays materials like <a href="maintenance-eigencomponents">zinc selenide</a> (ZnSe), which are stronger mechanically and are less sensitive to moisture, are used instead of NaCl for the infrared spectral range.

### **Chemistry**

### Solid sodium chloride

In solid sodium chloride, each ion is surrounded by six ions of the opposite charge as expected on electrostatic grounds. The surrounding ions are located at the vertices of a regular <u>octahedron</u>. In the language of <u>close-packing</u>, the larger <u>chloride ions</u> (167 pm in size<sup>[17]</sup>) are arranged in a cubic array whereas the smaller <u>sodium</u> ions (116 pm<sup>[17]</sup>) fill all the cubic gaps (octahedral voids) between them. This same basic structure is found in many other <u>compounds</u> and is commonly known as the <u>halite</u> or rock-salt crystal structure. It can be represented as a <u>face-centered cubic</u> (fcc) lattice with a two-atom basis or as two interpenetrating face centered cubic lattices. The first atom is located at each lattice point, and the second atom is located halfway between lattice points along the fcc unit cell edge.

Solid sodium chloride has a melting point of 801 °C. <u>Thermal conductivity</u> of sodium chloride as a function of temperature has a maximum of 2.03 W/(cm K) at 8 K (-265.15 °C; -445.27 °F) and decreases to 0.069 at 314 K (41 °C; 106 °F). It also decreases with doping. [18]

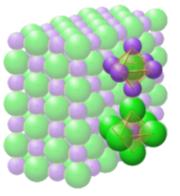
Atomic-resolution real-time video imaging allows visualization of the initial stage of crystal nucleation of sodium chloride. [19]

Sodium chloride crystal under microscope.

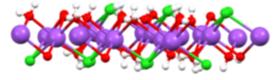
### **Aqueous solutions**

The attraction between the Na<sup>+</sup> and Cl<sup>-</sup> ions in the solid is so strong that only highly polar solvents like water dissolve NaCl well.

Solubility of NaCl (g NaCl / 1 kg of solvent at 25 °C (77 °F)) <sup>[20]</sup>		
Water	360	
Formamide	94	
Glycerin	83	
Propylene glycol	71	
Formic acid	52	
Liquid ammonia	30.2	
Methanol	14	
Ethanol	0.65	
Dimethylformamide	0.4	
Propan-1-ol	0.124	
Sulfolane	0.05	
Butan-1-ol	0.05	
Propan-2-ol	0.03	
Pentan-1-ol	0.018	
Acetonitrile	0.003	
Acetone	0.00042	



NaCl octahedra. The yellow stipples represent the electrostatic force between the ions of opposite charge



View of one slab of  $NaCl(H_2O)_2$  (red = O, white = H, green = Cl, purple = Na). [21]

When dissolved in water, the sodium chloride framework disintegrates as the Na<sup>+</sup> and Cl<sup>-</sup> ions become surrounded by polar water molecules. These solutions consist of <u>metal</u> aquo complex with the formula [Na(H<sub>2</sub>O)<sub>8</sub>]<sup>+</sup>, with the Na–O distance of 250 pm. The chloride ions are also strongly solvated, each being surrounded by an average of six molecules of water. [22] Solutions of sodium chloride have very different properties from pure water. The

### EXHIBIT PAGE 166 OF 337

eutectic point is -21.12 °C (-6.02 °F) for 23.31% mass fraction of salt, and the boiling point of saturated salt solution is near 108.7 °C (227.7 °F). From cold solutions, salt crystallises as the dihydrate NaCl·2H<sub>2</sub>O. [23]

### pH of sodium chloride solutions

The pH of a sodium chloride solution remains  $\approx 7$  due to the extremely weak basicity of the Cl<sup>-</sup> ion, which is the conjugate base of the strong acid HCl. In other words, NaCl has no effect on system pH<sup>[24]</sup> in diluted solutions where the effects of ionic strength and activity coefficients are negligible.

### Stoichiometric and structure variants

Common salt has a 1:1 molar ratio of sodium and chlorine. In 2013, compounds of sodium and chloride of different <u>stoichiometries</u> have been discovered; five new compounds were predicted (e.g., Na<sub>3</sub>Cl, Na<sub>2</sub>Cl, Na<sub>3</sub>Cl<sub>2</sub>, NaCl<sub>3</sub>, and NaCl<sub>7</sub>). The existence of some of them has been experimentally confirmed at high pressures and other conditions: cubic and orthorhombic NaCl<sub>3</sub>, two-dimensional metallic tetragonal Na<sub>3</sub>Cl and exotic hexagonal NaCl. This indicates that compounds violating chemical intuition are possible, in simple systems under nonambient conditions.

### **Occurrence**

Most of the world's salt is dissolved in the <u>ocean</u>. A lesser amount is found in the <u>Earth's crust</u> as the water-soluble mineral <u>halite</u> (rock salt), and a tiny amount exists as suspended <u>sea salt</u> particles in the atmosphere. These particles are the dominant <u>cloud condensation nuclei</u> far out at sea, which allow the formation of clouds in otherwise non-polluted air. [27]

### **Production**

Salt is currently mass-produced by evaporation of seawater or brine from brine wells and salt lakes. Mining of rock salt is also a major source. China is the world's main supplier of salt. [10] In 2017, world production was estimated at 280 million tonnes, the top five producers (in million tonnes) being China (68.0), United States (43.0), India (26.0), Germany (13.0), and Canada (13.0). [28] Salt is also a byproduct of potassium mining.

### EXHIBIT PAGE 167 OF 337







Modern rock salt Jord mine near Mount and Morris, New York, salt United States evap

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Sea.

<u>an</u> Mounds of salt, <u>Salar de</u> Israeli Uyuni, Bolivia.

### See also



### Chemistry portal

- Biosalinity
- Edible salt (table salt)
- Halite, the mineral form of sodium chloride
- Health effects of salt
- Salinity
- Salting the earth
- Salt poisoning

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### **External links**

- Salt (https://minerals.usgs.gov/minerals/pubs/commodity/salt/) United States Geological Survey Statistics and Information
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Retrieved from "https://en.wikipedia.org/w/index.php?title=Sodium chloride&oldid=1135174281"

attached to: "MOTION FOR SET ASIDE OR
RELIEVE DEFENDANT OF JUDGMENT OF
CONVICTION OF CRIMINAL CHARGE
PURSUANT TO VIRGINIA CODE § 8.01-428(D),
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA
CODE § 8.01-428(B) ON THE BASIS OF FRAUD
UPON THE COURT, CLERICAL FACTUAL
ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



FOR THE MIDDLE DISTRICT COURT

Durham Division 123 Case # Brian David Hill, letitioner United States of America, Respondent I Brian David Hill ("Brian D. Hill" Petitioner") in this 3 2255 case, acting pro se in this manner files this status report and Declaration uptating the court for this case. Because of the current situation describled herein Petitioner requests a court appointed lawyer. DECLARATION I Brian D. Hill produce these statements, subject to the penalties of perjury under U.S. Lade: (1.) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened, letitioner behaves it is connacted over the matter concerning and effecting this \$ 22.55 case.

(2) ON SEPTEMBER 18th 10 in the the thicket at the end of my neighbor's property and branches moved whenever I looked in that direction. I was around the period when I was maving the grass between the time period of I to That was or tuesday. Likely surveiling me. (3) On September 19, 2018, Wednesday, I called into a political talk show after, Sandra Wilson invited me to call into a Family Court issues type of show on Blog Talk Radio, by a I believe it was a woman named Valerie Ke Lazarus Chope I spelled it night, Told her about the traud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how it have had an IEP when I was in school then they (I assume she meant police) can for my get in trouble for violating the Americans with Visabilities Act the way it was hardled in regards to my chiminal case. (4)On September 20, 2018 Thursday, some of my memories may have been blacked out & I was under an extreme appoint of stress, and anxiety already due the pre-tiling injunction Motion. My whole family could tell. My many had also noticed that my doors were being Kept locked I, was psychologically otraid to sleep in my bed. Sometimes couch and I had a bad teeling something, would hoppen to me.

Ware police.

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Declaration and recertificate of service. Brian David Hill v. United States Dotober 1, 2018 I Brian David Hill had mailed the wrong address and ist refiling the "Status Report of Petitioner September 27, 2018" on October 20, 2018. The address was mailed to 324 W. Market Street, Suite 1 Martinsville, VA 24112. That address was incorrect. I't should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401. So I recentify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10 by depositing the pleading in an envelope prepaid in the Tails Marling system Again, I ask the Clerk to send me a letter acknowing receipt of this pleading, and notify me which Document nois or I ask that my docket sheet be printed and sent to me showing my last few entries. I learned from, Martinsville City Jail that I am limited by pail policies to 2 short ink pen per month, 5 envelopes per weet, no law library at all, and they have to Jestray all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jayl officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and blame from continuing to proceed proceed in this 2255.

I ask that I be appointed a lawyer for my 2255.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2018.

Ryian 1) Hill Bran David Hill Signes Martinsville City Jail (MCT) P.O. Box 1326, Martinsville

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



For Federal civil complaint
-- MOTION ASKING THE COURT TO
REQUEST LEGAL COUNSEL TO REPRESENT
THE PLAINTIFF -- MOTION AND BRIEF IN
SUPPORT OF THIS MOTION -Brian David Hill v. Executive Office
for United States Attorneys (EOUSA),
United States Department of Justice
(U.S. DOJ)

Civil Case Number 4:17-cv-00027



CARILION CLINIC, FAMILY AND INTERNAL MEDICINE

1107a Brookdale Street Martinsville VA 24112 Phone: 276-670-3300

Fax: 276-634-0379

5/16/2017

RE: Brian Hill 310 Forest St Apt 2 Martinsville VA 24112-4939

### To Whom it May Concern:

This is to certify that Brian Hill is my patient since 11/2014. He has a diagnosis of diabetes, seizures, autism and obsessive compulsive disorder. One or more of these condition can limit his ability to be in social situation or among people and do work.

Please feel free to contact my office if you have any questions or concerns. Thank you for your assistance in this matter.

Sincerely,

Shyam E Balakrishnan, MD

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



For Federal civil complaint
-- DECLARATION OF BRIAN DAVID HILL IN
SUPPORT OF DOCUMENT 2 COMPLAINT
AND IN SUPPORT OF MOTION UNDER RULE
45 ASKING THE CLERK TO SUBPOENA
ATTORNEY JOHN SCOTT COALTER FOR
DISCOVERY AND TO PROVE THE FACTUAL
MATTER UNDER COMPLAINT -Brian David Hill v. Executive Office
for United States Attorneys (EOUSA),
United States Department of Justice
(U.S. DOJ)

Civil Case Number 4:17-cv-00027

## WESTERN ROCKINGHAM FAMILY MEDICINE, P.A. BROWN SUMMIT FAMILY MEDICINE

Donald W. Moore, M.D. Tom Pickard, M.D. Mary Beth Dixon, PA-C Andrew Maier, PA-C, Francis P. Wong, M.D. Denne Stendings, R.N.-C.S., N.P. Mary Margaret Martin, FNP Summ Weeks, FNP Michelle Bozovich, Pharm-D, CPP Tannay Eckard, Pharm-D, CPP

· Salara

September 6, 2012

Re: Brian Hill

DOB: 5-26-90

### To Whom it May Concern:

Brian Hill is a current patient at Western Rockingham Family Medicine. He has a diagnosis of Type I <u>Diabetes</u>, GERD, Autism, and depression with suicidal thoughts. His medication list is as follows: Nexium 40 mg, 1 po qd, Lantus Sola star pen, 36 units q hs, Novolog flex pensiliding scale, Lisinopril 5mg, 1 po qd. Mr. Hill has an inability to take of himself, therefore needs around the clock care. If further assistance is required, please do not hesitate to contact our office at (336) 548-9618.

Andrew Maler PAC

Sincefeb

Western Rockingham Family Medicine

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



For Federal civil complaint
Brian David Hill v. Executive Office
for United States Attorneys (EOUSA),
United States Department of Justice
(U.S. DOJ)

MED 10 (02/17/2011)

www.dmv/Vout.com Virginia Department of Motor Vehicles Post Office Box 27412 Richmond, Virginia 23269-0001

### DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION

Purpose:

Use this form to apply for a disabled parking placard or disabled parking license plates.

instructions: Submit to any Customer Service Center, DMV Select or mail to DMV, Data Integrity, P.O. Box 85815,

Richmond, VA 23285-5815.

- For a parking placard, submit this form with a \$5.00 check or money order payable to DMV. Placard will be mailed to you in approximately 15 days. Only one placard may be issued to a customer.

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MED 10 (02/17/2011)

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(This section does not have to be completed to renew permanent placards.)  Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.					
Temporarily limited or impaired beginning in the month of and ending in the month of (not to exceed 6 months).					
Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (check below)  Cannot walk 200 feet without stopping to rest.  Uses portable oxygen.  Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.  Has a cardiac condition to the extent that functional limitations are classified in severity as Class IV according to standards set by the American Heart Association.  Is restricted by lung disease to such an extent that forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.  Is severely limited in ability to walk due to an arthritic, neurological, or orthopedic condition.  I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.  I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents					
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I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.					
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Encounter Date: 07/18/2016 Hill, Brian (MRN 7244793) Provider Demetrios Herodotou. MD Brian Hill Deparment Carillon Clinic Endocrinology 7/18/2016 3:30 PM Office Visit Dept Phone - 540-224-5170 **Patient Preferred Name** No data filed **Basic Information** Date Of Birth: Sex Race Preferren Language Ethnicity 5/26/1990 Male White or Caucasian Non-Hispanic English Department Name Address Phone Carilion Clinic, Endocrinology 3 Riverside Circle 540-224-5170 540-983-8229 Roanoke VA 24016 **Reason for Visit** Follow-up **Diabetes** type 1 Reason for Visit History Your Vitals Were BP Pulse Ht BMI - -Smoking Status 132/78 mmHg 89 1.753 m (5' 9") 92.126 kg (203 lb 1.6 oz) **Never Smoker** 29.98 kg/m2 To Do List Friday September 02, 2016 Appointment with Herodotou, Demetrios at Carilion Clinic, Endocrinology 10:45 AM (540-224-5170) 3 Riverside Circle Roanoke VA 24016 Pending Health Maintenance Completion Dates Date Due TDAP IMMUNIZATION 5/26/2001 DIABETIC FOOT EXAM 5/26/2008 DIABETIC EYE EXAM 5/26/2008 **DIABETIC 6 MONTH HGA1C** 11/6/2016 5/6/2016, 2/1/2016, 10/22/2015, 7/2/2015, 5/4/2015, 1/19/2015, 3/22/2013 Allergies Anesthetic [Benzocaine-Aloe Vera] Other - See Comments Resident gets out of control Vaccine Adjuvant Emulsion Combination No. 1 Resident stated he gets out of control Zantac [Ranitidine Hcl] Diarrhea Your Current Medications Are insulin aspart (NOVOLOG FLEXPEN) 100 10 Units by Subcutaneous route as directed for Other (follow the unit/mL Insulin Pen (Taking) sliding scale.)

omeprazole (PRILOSEC OTC) 20 mg Tablet, Delayed Release (E.C.) (Taking)

insulin glargine (LANTUS) 100 unit/mL

Solution (Taking)

take 1 Tab by mouth every day

BD INSULIN SYRINGE ULTRA-FINE 0.5 mL 31 gauge x 5/16 Syringe

1 Each by Subcutaneous route four times daily

36 Units by Subcutaneous route every night

BD INSULIN PEN NEEDLE UF MINI 31 X 3/16" (BD INSULIN PEN NEEDLE UF MINI)

1 Each by Subcutaneous route four times daily

PATIENT COPY-Hill, Brian (MRN 7244793) Printed at 7/18/16 4:04 PM

Page 1 of 3

Hill, Brian (MRN 7244793)

Encounter Date: 07/18/2016

Your Current Medications Are (continued)	
31 gauge x 3/16" Needle	
Insulin Needles, Disposable, (BD INSULIN PEN NEEDLE UF SHORT) 31 gauge x 5/16" Needle	1 Units by Does not apply route four times daily
glucose blood VI test strips (FREESTYLE INSULINX TEST STRIPS) Strip	1 Strip by external route three times daily
Blood-Glucose Meter (ACCU-CHEK AVIVA PLUS METER) Misc	1 Device by Does not apply route three times daily
Insulin Syringe-Needle U-100 (BD INSULIN SYRINGE ULTRA-FINE) 1 mL 30 x 1/2" Syringe	1 Each by Does not apply route four times daily

### **Pharmacy**

WALGREENS DRUG STORE 12495 - MARTINSVILLE, VA - 2707 GREENSBORO RD AT NWC OF RIVES & US 220

2707 GREENSBORO RD MARTINSVILLE VA 24112-9104

Phone: 276-632-0180 Fax: 276-632-6759

Open 24 Hours?: No

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" by Brian David Hill

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Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



For Federal civil complaint
-- MOTION ASKING THE COURT TO
REQUEST LEGAL COUNSEL TO REPRESENT
THE PLAINTIFF -- MOTION AND BRIEF IN
SUPPORT OF THIS MOTION -Brian David Hill v. Executive Office
for United States Attorneys (EOUSA),
United States Department of Justice
(U.S. DOJ)

Civil Case Number 4:17-cy-00027

## DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN

### Department of Psychiatry University of North Carolina

### DIAGNOSTIC EVALUATION

Patient: Brian Hill

Chart #: 60373

D.O.B. 5-26-90

Center: High Point, NC

Date: (10-19-94)

Staff: Marquita Fair, Child Therapist

Allison Butwinski, Parent Consultant

Dr. Roger D. Cox, Licensed Practicing Psychologist and

Clinical Director

### TESTS ADMINISTERED:

Psychoeducational Profile-Revised (PEP-R) Vineland Adaptive Behavior Scale

#### REFERRAL INFORMATION:

Child's Name: Brian Hill Age: 4 years 5 months

Address: 133 Mike Lane, Reidsville, NC 27320

Parents: Roberta Hill

Current Status: Lives at home with mother and is being served in

a preschool developmental delayed classroom at Bethany

Referral Source: Sheila Shelton

Reason for Referral: Clarification of diagnosis and educational

planning

#### DEVELOPMENTAL HISTORY:

Brian was born prematurely weighing 3 pounds, 13 1/2 ounces. He received phototherapy for hyperbilirubinemia and was discharged from the hospital at approximately 2 weeks of age. At 18 months, he was hospitalized for 6 days with the onset of insulin dependent Diabetes Mellitus. He currently is taking NPH insulin and Regular insulin and his diet is regulated according to the American Diabetic Association diet. At 35 months Brian was seen at the Greensboro DEC due to language delays. There were concerns regarding Brian's social relatedness and language development. It was felt that his neurodevelopmental profile may represent a form of a pervasive developmental disorder and a TEACCH referral was recommended.

Currently, Brian uses words and short phrases to express his needs. He exhibits pronoun reversals, immediate and delayed echolalia, and repeats some phrases he has heard over and over. He understands and follows simple routine commands but cannot use or answer "Wh" questions.

Though aware of others, Brian has difficulty interacting with them. He is beginning to show an interest in other children but does not initiate interactions. Brian's favorite activities include stacking blocks and listening to music. He recently has become more aware of his mother when she picks him up from school and sometimes greets her by saying "mommy". Brian occasionally becomes upset when he does not have his way and is prone to small episodes of temper tantrums.

### FAMILY STATUS:

Brian lives at home with his mother, Roberta Hill in Reidsville. His mother and father are divorced and Brian does not have contact with his father. His maternal grandparents live nearby and he sees them frequently. During the evaluation, Roberta was very friendly and easy to talk to. She offered some very nice information about Brian.

### EDUCATIONAL PLACEMENT:

Brian is currently being served in a preschool developmental delayed class at Bethany Preschool in Reidsville. Brian's teacher, Sheila Shelton, who attended the evaluation, felt that Brian had made very nice progress since his enrollment. She appeared flexible and willing to develop a program that considers Brian's individual needs.

### DESCRIPTION OF CHILD:

Brian is a cute 4 year 4 month old boy. He was appropriately dressed in long pants and a long sleeved shirt. He was accompanied to the TEACCH Center by his mother, Roberta Hill.

### BEHAVIORAL OBSERVATIONS DURING TESTING:

### Relating, Cooperating, and Human Interest:

Brian, joined by his mother, accompanied the examiner to the testing room. He whimpered as his mother left the room. When offered a toy, Brian immediately settled down and showed a fleeting interest in the toys on a table. At the start of testing, Brian resisted joining the examiner at the work table. When he became upset, his language consisted largely of echolalia. Although he frequently whined when he did not get his way, he never actually cried. Brian's behavior was unpredictable when he attempted to engage in an activity. When materials were presented, Brian perseverated with them, making it lifficult for him to relinquish materials when the task was completed. For example, Brian continued to fuss and ask for bubbles and play-doh

even when they were put away. He asked for the bubbles so often that they were eventually used as a reinforcer when he completed tasks.

Brian's attention to test items varied depending on his interest in the task. When he showed an interest in the items presented, he resisted putting them away. For example, Brian enjoyed doing puzzles, matching colors, and copying shapes. When he was instructed to put them away, he whined and said "do again, do again". Once he became familiar with placing the completed tasks in the "finished basket" it was easier for him to continue on to the next task. He showed limited interest in the kaliedoscope and counting which resulted in him placing incomplete tasks in the "finished basket". Brian was distracted by noises heard outside the door and in the observation booth, which made it difficult to redirect him back to tasks.

Brian was always aware of the examiner's presence. Eye contact was frequent and usually brief. He initiated social interaction by requesting the examiner to join him at the mini-trampoline and holding his hand. Brian appropriately asked for help and used gestures. He often asked for a "tissue please", returning the tissue to the examiner for disposal. He enjoyed being tickled, and although he did not ask for this activity to continue, he backed into the examiner with his arms stretched out as if to indicate that he wanted more.

#### Sensory Behavior:

Brian usually responded to his name by repeating it. He did not look at the examiner. He appropriately responded to various noisemakers. No unusual interests in taste or textures were noted during testing.

#### Play and Interest in Materials:

Although Brian often resisted sitting at the work table, he was able to focus on materials when they were presented. He was usually creative in how he used many of the materials. For example, when he used blocks, he made a three dimensional design twice and called them "pyramids". Another time he used the blocks to build "towers". As he identified letters, he told the examiner what each letter stood for; "G for goose", "A for apple", and "Y for yarn". When he used the scissors, he cut out shapes (rectangle and square) and identified them. Brian had his own agenda for completing the tasks. He became upset whenever the examiner suggested that he attempt a task differently.

Brian was most cooperative with tasks that involved writing, copying, matching, and coloring. He anxiously wrote his first and last name several times although not in sequential order. Brian copied shapes, focusing his attention on the examples presented when he was not sure how to draw a shape (triangle and diamond). Brain showed little interest in playing with puppets and pantomining object use.

During free play, Brian chose to jump on the mini-trampoline, play with a toy motorcycle with a man on it, and walk up and down the

wooden steps. When he realized the steps could be turned over to be a rocking boat, he asked for help to turn it over so he could use it alternately as steps and a boat. Several times, he stood near the door and asked for his mother. However, he was easily redirected back to a play activity.

#### Competence Motivation:

Brian quickly understood the routine of placing finished materials in the "finished basket" to his right. He often returned to the table if he forgot to put his completed tasks in the "finished basket". Organizing three tasks at a time on a table on Brian's left helped him understand how much work he had to do before he could leave the table to go play.

Brian often expressed pleasure with himself by smiling at the examiner and frequently saying "good job". Verbal praise from the examiner was also motivating to Brian.

#### Language:

Brian used language and gestures to communicate. At the start of testing, Brian's language consisted mostly of delayed and immediate echolalia. At times, his language was difficult to understand. He often commented during testing, but seldom directing his comments to the examiner. Brian asked questions such as, "can I blow"?, "can I do bell again"?, and "is this a birthday cake"? However, Brian had much more difficulty answering questions.

#### RESULTS AND SUMMARY OF THE PEP-R:

The Psychoeducational Profile-Revised (PEP-R) is a developmental test designed specifically for autistic and communication handicapped children. The child's performance is scored in several different function areas, and totalled to provide an overall developmental age score. Brian's overall score was 101, which resulted in an age equivalent of approximately 3 years 9 months.

On the PEP-R, Brian scored as follows:

Function Area A			<u>Age Level</u>		
Imitation	4	yrs.	6	mos.	
Perception	• 4	yrs.	1	mo.	
Fine Motor	. 3	yrs.	3	mos.	
Gross Motor	- 3	yrs.	1	mo.	
Eye Hand Integration	· 4	yrs.	7	mos.	
Cognitive Performance	. 3	yrs.	3	mos.	
Cognitive Verbal	3	yrs.	9	mos.	
Developmental Score	3	yrs.	9	mos	

When assessed with the PEP-R, Brian's test scores indicated relative weaknesses in the motor area and relative strengths in eye-hand integration.

Brian was able to receptively and expressively identify pictures in a language book, demonstrate the function of objects, sort cards, identify numbers, and sort objects.

He had several emerging abilities, including identifying objects by touch, drawing a person, and copying a diamond.

#### **DIAGNOSIS**:

Autism - mild range

#### INTERPRETIVE CONFERENCE SUMMARY:

Attending Brian's interpretive conference were his mother, Roberta Hill, his preschool teacher, Sheila Shelton, and TEACCH staff, Allison Butwinski and Dr. Roger Cox. Results of the test administered were shared indicating Brian has many of the characteristics of mild autism. It is felt that Brian would benefit from a classroom with a small teacher to student ratio, individualized instruction, and autistic interventions.

#### RECOMMENDATIONS:

- 1. Brian would benefit from placement in a classroom with a small teacher to student ratio. The classroom environment should be free of distractions. A specific work area should be set up for Brian with a desk and boundaries to minimize distractions.
- 2. The classroom teacher should be experienced in autism, and have knowledge of structured teaching techniques. A three day training is being offered November 28-30 at the Gateway Education Center in Greensboro. The purpose of this training is to teach strategies that are typically successful in working with and teaching new skills to children with autism.
- 3. Brian should receive one-on-one teaching sessions 2-3 times a day to develop new skills. A teacher should sit across from Brian and present materials using the routine of working from left to right. Brian will place completed work to his right in a "finished basket" This will help him understand that what he has to do is in a basket to his left, how much work he has to do by the number of baskets with work in them, and he is finished when all the baskets are gone. He should be allowed breaks away from the table between tasks. It is important that Brian understand the contingency of working first and then receiving a break.
- 4. Brian's IEP should reflect the acknowledgement that he is a child diagnosed with autism. Specific strategies and teaching methods recommended by TEACCH should be addressed.

5. Brian's teacher for next year should be identified as early as possible in order that a request to attend TEACCH summer training for next year can be submitted.

Marquita Fair, Child Therapist

Allison Butwinski, Parent Consultant

Man O Co Al D

Roger D. Cox, Ph.D.

Licensed Practicing Psychologist

### **EXHIBIT 12**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



## URGENT LETTER TO MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE – FOIA REQUEST

### FRIDAY, JANUARY 20, 2022

City of Martinsville

ATTN: FOIA Officer or FOIA Authorized

official

P.O. Box 1112

55 West Church St. Martinsville, VA 24112

Phone: 276-403-5000 Fax: 276-403-5280 Martinsville Police Department

ATTN: FOIA Officer or FOIA Authorized

official

P.O. Box 1112

55 West Church St. Martinsville, VA 24112

Phone: 276-403-5300 Fax: 276-403-5306

To Whom it may concern,

Pursuant to the Virginia Freedom of Information Act, I would like to submit a FOIA Request on three different questions I have which can locate records of my request. This is very important and my request is marked Urgent because I need this information as soon as possible. Thank You.

Question #1 (Public policy record question):

What is the length of the evidence retention period of police bodycamera footage stored after an incident before it can destroyed? Is it a year? Is it two years? What is the policy of Martinsville Police Department's retention period of retaining body-camera evidence before it is destroyed? (referring to potential evidence not subject to a litigation)

The records I am seeking on this particular question is the policy papers of the Department, and the question may be answered additionally to requesting those records. Policy is usually same as a law or regulation.

Question #2 (Public policy record question):

If the police body-camera footage is subject to litigation (criminal or civil) or was in pending litigation and a Court had ordered the body-camera

PAGE 1 OF 4 - FOIA LETTER TO CITY OF MARTINSVILLE, POLICE – JAN 20, 2023

footage to either be retained or to be turned over to a defendant as Brady material, does the body-camera footage still fall under the normal retention then destruction period for preserving body-camera footage before the body-camera footage is destroyed or does litigation involving the Police Department prohibit the Police Department from destroying the body-camera footage during pending litigation?

The records I am seeking on this particular question is the policy papers of the Department, and the question may be answered additionally to requesting those records. Policy is same as law, subject to public review.

### Question #3:

When did the Martinsville Police Department destroy the body-camera footage recorded on September 21, 2018 of the subject/suspect Brian David Hill? When in 2018 or 2019 was the body-camera footage destroyed regarding Brian David Hill? Any records of when it was destroyed?

It was recorded by Officer Robert Jones at the time. I know it was recording because I saw the device on his uniform light up red. So I know that was a body-camera device and I know it had recorded on that day.

My source told me that the body-camera footage was destroyed. I was told this in August, 2019 or September, 2019, claiming that it was the body-camera evidence retention period as to why it was destroyed. I was told that the body-camera footage was destroyed. My source told me this.

If you do have the body-camera footage, may I have a copy of it to have experts look at it including the Innocence Project of Virginia?

The third question is asking for records concerning myself. **The litigation of the case is closed** and **the direct appeal had closed**. So I am filing this FOIA request because any post-conviction motions I file, the judge says he does not have jurisdiction, so there is no pending litigation. I have no attorney. That is why I am filing this FOIA request. The Court will not accept any motion I file because the case is closed under Rule 1:1.

I am on a limited income, my only source of income is my Supplemental Security Income (SSI) disability from the Social Security Administration. I am on limited income. So please let me know how much the cost is going to be. I really need this information. It is very important to me. I have questions that I have a right to have answers to.

I am Brian David Hill. My SS# is -0319. DOB is : May 26, 1990.

I am requesting through FOIA, the records concerning myself. The first two questions are just asking about public policy documentation and/or questions about public policy situations, which is usually subject to public review and public scrutiny. So the first two questions should be easy to obtain documents of public police department policy. The third question is answers I need because my source told me that the body-camera footage had been destroyed and was told this around August, 2019 or September, 2019. I needed the body-camera footage because it would have proven that I may have been intoxicated around the time of my arrest and the officer spoke with me when I was possibly intoxicated and/or dehydrated (due to carbon monoxide or anything). My behavior at the time, the way I was acting while being asked questions by Officer Robert Jones. I need the body-camera footage or I need to know when it was destroyed. This would prove something that needs to be proven. I need this information. There is no open criminal case, and any motions I file are denied because of the case being closed under Rule 1:1. So there is no open case. I have to ask through FOIA.

### Please I need answers. I need them so that things can be resolved.

Thank You, Where We Go One, We Go All. I appreciate your time and attention to this matter. I am with Q, I am an ally of Qanon because I need answers. I need answers, I need to get to the truth. Jesus Christ said: The Truth shall make me free. I need to know the truth so I can be free.

I do have evidence in the billing record from the Sovah Hospital that I was dehydrated after I was detained by Martinsville Police. The lab work had been deleted from the chart so I may have been intoxicated since the

hospital destroyed evidence I may have been intoxicated at the time of my arrest. There was a cover up, so I need to know the truth so I can have my conviction overturned by the Governor of Virginia.

Brian D. Hill

God bless you,

Brian D. Hill

Ally of Q, Former news reporter of U.S.W.G.O. Alternative News

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276)790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



Venta Fax & Voice (http://www.ventafax.com) Transmission ticket for Fax ID: 276-790-3505

Date: 1/20/2023 Number of pages: 4 Attn.: FOIA Officer Recipient's number: T1-276--403-5280 Filename: C:\ProgramData\Venta\Venta\Venta\Aventa\Vent

File description: Letter to City of Martinsville and Police on FOIA - January 20. Recipient's Fax ID:

Rate: 14400 bps

Time: 2:04:44 PM Session duration: 3:56 To: City of Martinsville Message type: Fax

Resolution: 200\*200 dpi Record number: 8513

### URGENT LETTER TO MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE – FOIA REQUEST

### FRIDAY, JANUARY 20, 2022

City of Martinsville

### ATTN: FOIA Officer or FOIA Authorized official

P.O. Box 1112

55 West Church St. Martinsville, VA 24112

Phone: 276-403-5000 Fax: 276-403-5280

Martinsville Police Department

#### ATTN: FOIA Officer or FOIA Authorized official

P.O. Box 1112

55 West Church St. Martinsville, VA 24112

Phone: 276-403-5300 Fax: 276-403-5306

### To Whom it may concern,

Pursuant to the Virginia Freedom of Information Act, I would like to submit a FOIA Request on three different questions I have which can locate records of my request. This is very important and my request is marked Urgent because I need this information as soon as possible. Thank You.

Question #1 (Public policy record question):

What is the length of the evidence retention period of police bodycamera footage stored after an incident before it can destroyed? Is it a year? Is it two years? What is the policy of Martinsville Police Department's retention period of retaining body-camera evidence before it is destroyed? (referring to potential evidence not subject to a litigation)

The records I am seeking on this particular question is the policy papers of the Department, and the question may be answered additionally to requesting those records. Policy is usually same as a law or regulation.

Question #2 (Public policy record question):

If the police body-camera footage is subject to litigation (criminal or civil) or was in pending litigation and a Court had ordered the body-camera

PAGE 1 OF 4 - FOIA LETTER TO CITY OF MARTINSVILLE, POLICE - JAN 20, 2023

Venta Fax & Voice (http://www.ventafax.com) Transmission ticket for Fax ID: 276-790-3505

Date: 1/20/2023 Number of pages: 4 Attn.: FOIA Officer

Recipient's number: T1-276-403-5306

File description: Letter to City of Martinsville and Police on FOIA - January 20, Recipient's Fax ID: ATA Connector

Rate: 14400 bps

Time: 1:12:42 PM Session duration: 3:16

To: Martinsville Police Department

Message type: Fax Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\January 20, 2023(2) {202Error Correction: No

> Resolution: 200\*200 dpi Record number: 8511

URGENT LETTER TO MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE - FOIA REQUEST

FRIDAY, JANUARY 20, 2022

City of Martinsville

### ATTN: FOIA Officer or FOIA Authorized official

P.O. Box 1112

55 West Church St. Martinsville, VA 24112

Phone: 276-403-5000 Fax: 276-403-5280

Martinsville Police Department

### ATTN: FOIA Officer or FOIA Authorized official

P.O. Box 1112

55 West Church St. Martinsville, VA 24112

Phone: 276-403-5300 Fax: 276-403-5306

To Whom it may concern,

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PAGE 1 OF 4 - FOIA LETTER TO CITY OF MARTINSVILLE, POLICE - JAN 20, 2023

Venta Fax & Voice (http://www.ventafax.com) Transmission ticket for Fax ID: 276-790-3505

Date: 1/20/2023 Time: 1:15:58 PM

Number of pages: 4 Session duration: 4:08

Attn.: FOIA Officer To: City of Martinsville

Recipient's number: T1-276-403-5280 Message type: Fax

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\January 20, 2023(2) {202Error Correction: Yes

File description: Letter to City of Martinsville and Police on FOIA - January 20, Recipient's Fax ID:

Rate: 14400 bps

Resolution: 200\*200 dpi Record number: 8512

### URGENT LETTER TO MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE – FOIA REQUEST

### FRIDAY, JANUARY 20, 2022

City of Martinsville

### ATTN: FOIA Officer or FOIA Authorized official

P.O. Box 1112

55 West Church St. Martinsville, VA 24112

Phone: 276-403-5000 Fax: 276-403-5280 Martinsville Police Department

### ATTN: FOIA Officer or FOIA Authorized official

P.O. Box 1112

55 West Church St. Martinsville, VA 24112

Phone: 276-403-5300 Fax: 276-403-5306

### To Whom it may concern,

Pursuant to the Virginia Freedom of Information Act, I would like to submit a FOIA Request on three different questions I have which can locate records of my request. This is very important and my request is marked Urgent because I need this information as soon as possible. Thank You.

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The records I am seeking on this particular question is the policy papers of the Department, and the question may be answered additionally to requesting those records. Policy is usually same as a law or regulation.

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If the police body-camera footage is subject to litigation (criminal or civil) or was in pending litigation and a Court had ordered the body-camera

PAGE 1 OF 4 - FOIA LETTER TO CITY OF MARTINSVILLE, POLICE - JAN 20, 2023

### **EXHIBIT 13**

attached to: "MOTION FOR SET ASIDE OR
RELIEVE DEFENDANT OF JUDGMENT OF
CONVICTION OF CRIMINAL CHARGE
PURSUANT TO VIRGINIA CODE § 8.01-428(D),
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA
CODE § 8.01-428(B) ON THE BASIS OF FRAUD
UPON THE COURT, CLERICAL FACTUAL
ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



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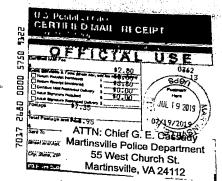
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Very Important Evidence. Please sign for it Chief G. E. Cassady.

I am sorry that it is restricted delivery but I wanted to make sure that the evidence was picked up by somebody in your Department.

Medical records/reports, statement from expert witness Pete Compton a chimney expert. Evidence of threatening greeting card that was received by a citizen of Martinsville.

A lot of important evidence that needs to be picked up and reviewed by the Police Chief and given to Officer R. D. Jones. Please sign for it. Thank you for your time and attention to this matter. Thank you for your service. God Bless. USPS rather it be picked up than redelivered. - Brian

For Fax: 276.403.5306

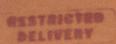
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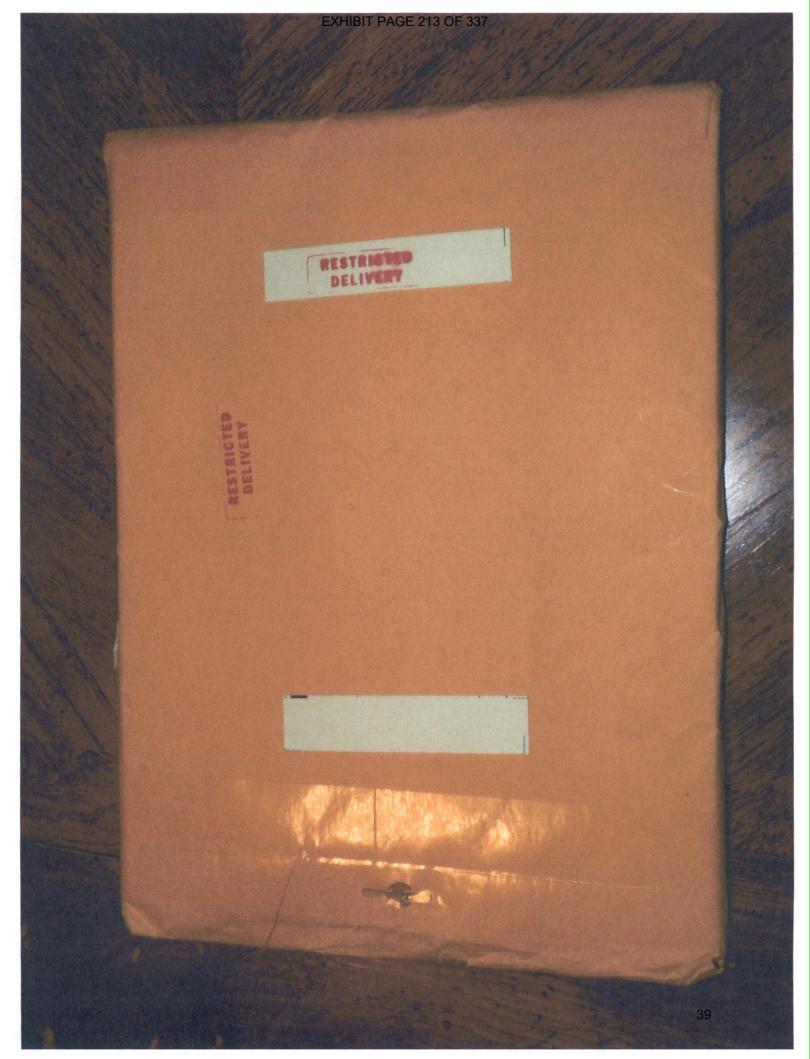






Thorse CA (1/309/45) her: N.L. 22-19
Won't be back
Hill
9-1-19

ATTN: Police Chief G. E. Cassady Martinsville Police Department 55 West Church St. Martinsville, VA 24112



MARTINSVILLE 1123 SPRUCE ST MARTINSVILLE, VA 24112-9998 515652-0362 (800) 275-8777 07/19/2019 09:12 AM Qty Product Unit Price Price PM 1-Day \$7.35 \$7.35 (Domestic) (MARTINSVILLE, VA 24112) (Weight: 0 Lb 13.30 0z) (Expected Delivery Day) (Saturday 07/20/2019) Return Receipt \$2.80 (USPS Return Receipt #) (9590940235277275749741) Cert Mail RstrDel \$8.80 (Recipient name) (G E CASSADY) (USPS Certified Mail #) (70172680000057509122) \$18.95 Total:

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Product Qty Unit Price

PM 1-Day 1 \$7.35 \$7.35 (Domestic) (MARTINSVILLE, VA 24112) (Weight: 0 Lb 13.30 02) (Expected Delivery Day) (Saturday 07/20/2019)

Return Receipt \$2.80

(USPS Return Receipt #) (9590940235277275749741) Cert Mail RstrDel

(Recipient name)
(G E CASSADY)
(USPS Certified Mail #)

(70172680000057509122)
Total: \$18.95

\$8.80

\$20.00

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Cash Change

Includes up to \$50 insurance

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### **EXHIBIT 14**

attached to: "MOTION FOR SET ASIDE OR
RELIEVE DEFENDANT OF JUDGMENT OF
CONVICTION OF CRIMINAL CHARGE
PURSUANT TO VIRGINIA CODE § 8.01-428(D),
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA
CODE § 8.01-428(B) ON THE BASIS OF FRAUD
UPON THE COURT, CLERICAL FACTUAL
ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



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### **Professional Guidelines**

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### **Rule 3.8**

- Rule 3.1
- Rule 3.2
- Rule 3.3
- Rule 3.4
- Rule 3.5

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- Rule 3.6
- Rule 3.7
- Rule 3.8
- Rule 3.9

### **Additional Responsibilities Of A Prosecutor**

A lawyer engaged in a prosecutorial function shall:

- (a) not file or maintain a charge that the prosecutor knows is not supported by probable cause;
- (b) not knowingly take advantage of an unrepresented defendant;
- (c) not instruct or encourage a person to withhold information from the defense after a party has been charged with an offense;
- (d) make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, of the existence of evidence which the prosecutor knows tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment, except when disclosure is precluded or modified by order of a court; and
- (e) not direct or encourage investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case to make an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6.

### **Comment**

- [1] A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence.
- [1a] Paragraph (a) prohibits a prosecutor from initiating or maintaining a charge once he knows that the charge is not supported by even probable cause. The prohibition recognizes that charges are often filed before a criminal investigation is complete.
- [1b] Paragraph (b) is intended to protect the unrepresented defendant from the overzealous prosecutor who uses tactics that are intended to coerce or induce the defendant into taking action that is against the defendant's best interests, based on an objective analysis. For example, it would constitute a violation of the provision if a prosecutor, in order to obtain a plea of guilty to a charge or charges, falsely represented to an unrepresented defendant that the court's usual disposition of such charges is less harsh than is actually the case, e.g., that the court usually sentences a first-time offender for the simple possession of marijuana under the deferred prosecution provisions of *Code of Virginia* Section 18.2-251 when, in fact, the court has a standard policy of not utilizing such an option.
- [2] At the same time, the prohibition does not apply to the knowing and voluntary waiver by an accused of constitutional rights such as the right to counsel and silence which are governed by controlling case law. Nor does (b) apply to an accused appearing *pro se* with the ultimate approval of the tribunal. Where an accused does appear *pro se* before a tribunal, paragraph (b) does not prohibit discussions between the prosecutor and the defendant regarding the nature of the charges and the prosecutor's intended actions with regard to those charges. It is permissible, therefore, for a prosecutor to state that he intends to reduce a charge in exchange

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for a guilty plea from a defendant if nothing in the manner of the offer suggests coercion and the tribunal ultimately finds that the defendant's waiver of his right to counsel and his guilty plea are knowingly made and voluntary.

- [3] The qualifying language in paragraph (c), i.e., "... after a party has been charged with an offense," is intended to exempt the rule from application during the investigative phase (including grand jury) when a witness may be requested to maintain secrecy in order to protect the integrity of the investigation and support concerns for safety. The term "encourage" in paragraph (c) is intended to prevent a prosecutor from doing indirectly what cannot be done directly. The exception in paragraph (d) also recognizes that a prosecutor may seek a protective order from the tribunal if disclosure of information to the defense could result in substantial harm to an individual or to the public interest.
- [4] Paragraphs (d) and (e) address knowing violations of the respective provisions so as to allow for better understanding and easier enforcement by excluding situations (paragraph (d)), for example, where the lawyer/prosecutor does not know the theory of the defense so as to be able to assess the exculpatory nature of evidence or situations (paragraph (e)) where the lawyer/prosecutor does not have knowledge or control over the *ultra vires* actions of law enforcement personnel who may be only minimally involved in a case.

### Virginia Code Comparison

With respect to paragraphs (a), DR 8-102(A)(1) provided that a "public prosecutor or other government lawyer shall . . . refrain from prosecuting a charge that [he] . . . knows is not supported by probable cause."

Paragraph (b) is derived from DR 8-102(A)(2) which prohibited prosecutors from inducing an unrepresented defendant to "surrender important procedural rights."

The counterpart to paragraph (c) is DR 8-102(A)(3) which proscribed "discouraging" a person from giving relevant information to the defendants.

Paragraph (d) is similar to DR 8-102(A)(4), but requires actual knowledge on the part of prosecuting lawyers that they are in possession of exculpatory evidence as opposed to simply being in knowing possession of evidence that may be determined to be of such a nature, although acknowledging that such disclosure may be affected by court orders.

Paragraph (e) has no direct counterpart in *Virginia Code*, but it generally parallels DR 7-106 (B), now Rule 3.6(b), which directed that a lawyer "exercise reasonable care to prevent his employees and associates from making a [prohibited] extrajudicial statement."

Paragraph DR 8-102(A)(5), which prohibited the subpoena of an attorney as a witness in a criminal prosecution regarding a present or past client without prior judicial approval, has been deleted in light of prevailing case law.

### **Committee Commentary**

The Committee retitled this Rule "Additional Responsibilities of a Prosecutor," rather than "Special Responsibilities of a Prosecutor," as in the *ABA Model Rule*, to make it clear that the Rule's provisions are in addition to the obligations of the attorney acting in a prosecutorial role as set forth in the remaining Rules. The Committee also thought it appropriate to address the proscriptions of the Rule to any "lawyer engaged in a prosecutorial function" as opposed to just a "prosecutor in a criminal case" so as to eliminate any confusion on the part of any lawyer (such as a County Attorney or assistant Attorney General) who may be acting in the role of a prosecutor without being a member of a Commonwealth's Attorney's office.

3 of 5

The Committee believed that paragraph (a) in which actual knowledge is required is more understandable and more susceptible to ready enforcement where any more subjective standard (such as "or it is obvious") is too vague. At the same time, the Committee wanted to strengthen the proscription set forth in the *Virginia Code* ("shall refrain") so as to make clear that the prosecutor should not even file a charge if it is not supported by "probable cause" and should certainly not pursue a charge to trial, even if initially supported by the minimum standard of "probable cause," if it cannot reasonably expected to survive a motion to strike the evidence or motion for judgment of acquittal. The original *ABA Model Rule* language only proscribed "prosecuting a charge that... is not supported by probable cause."

The Committee did not include the language of *ABA Model Rule* 3.8(b) in which the prosecutor is required to "make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel" because the Committee did not believe that such an obligation should formally be placed on the lawyer-prosecutor.

The Committee concluded that the language of proposed paragraph (b) more accurately focuses on the type of prosecutorial conduct that is prohibited, rather than the provision of the existing DR and *ABA Model Rule* 3.8(c) which address the waiver of important procedural rights which, in fact, can be knowingly waived as the Comment attempts to explain. In addition, the Committee felt that the example of the waiver of such a procedural right as that of a preliminary hearing as set forth in the existing DR and *ABA Model Rule* is misleading at best, since it is exceedingly rare that a defendant charged with a felony would insist on proceeding *pro se* and then agree to waive the hearing.

The Committee felt that it was appropriate to strengthen the provisions of DR 8-102(A)(3) to provide that the lawyer acting in a prosecutorial function shall not "instruct or encourage a person to withhold information from the defense" as opposed to the more subjective and less enforceable "shall not discourage." In addition, in recognition of the reality of the investigative stage of a matter in which a witness may be asked to "keep quiet" in order to protect the witness and the integrity of the investigation, the Committee felt it appropriate to restrict application of the prohibition to that point in the process after formal charge when the "person" becomes a "party."

The Committee felt a change from existing DR 8-102(A)(4) concerning the disclosure of exculpatory evidence to the defense was appropriate by clarifying that it would apply only to that evidence which the prosecutor knows is exculpatory as opposed to a more subjective analysis of evidence which may be in the knowing possession of the prosecutor but which he does not have reason to believe would be exculpatory.

The Committee felt that the language of the *ABA Model Rule* which speaks in terms of "exercising reasonable care" to prevent others involved in a prosecution from making prohibited extrajudicial statements placed an unreasonable affirmative duty on the attorney acting in a prosecutorial role whereby the attorney would be held responsible for attempting to control the conduct of others.

Finally, the Committee decided to recommend deletion of DR 8-102(5) prohibiting the subpoena of an attorney as a witness in a criminal matter involving a present or former client without prior judicial approval because of prevailing case law and judicial fiat (the United States District Court for the Eastern District of Virginia) which does not require same.

Updated: October 30, 2009

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### **EXHIBIT 15**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



# EXHIBIT 2 for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOLIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill CASE NO: CR19000009-00

Thursday, January 20, 2022



VIRGINIA:

Y OF MARTINSVILLE
) ) )
) Criminal Action No. CR19000009-00
)
) ) Motion for Discovery )

### **Motion for Discovery**

Pursuant to Rule 4:1 of the Virginia Rules of the Supreme Court and U.S. Supreme Court decision of Brady v. Maryland, 373 U.S. 83 S. Ct. 1194; 10 L. Ed. 2d 215; 1963, criminal Defendant Brian David Hill ("Brian", "Hill") would like to request that the Commonwealth Attorney ("CA") be compelled to provide discovery materials to Defense counsel which are both material and relevant to the case. That is for the jury trial for the charge of "indecent exposure" as defined in Virginia Code § 18.2-387. The jury trial is scheduled for August 30, 2019, unless the court considers changing the date for any reason including but not limited to expert witnesses and a mental evaluation to determine sanity at the time of the offense.

Hill and/or his family have attempted to contact Martinsville Police Department ("CC: Commonwealth Attorney") through written multiple correspondences asking for the body camera footage of Officer Sgt. R. D. Jones, by Hill writing the Martinsville Chief of Police G. E. Cassady asking for the body-camera footage to be turned over to

Brian's defense counsel (*Note: Attorney Scott Albrecht, at the time*) as pertinent to Virginia discovery requirements.

Evidence of attempting to request the police-body-camera footage of September 21, 2018, are made in the following Exhibits:

- Exhibit 1) 2-Page U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #4 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 30, 2019, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**
- Exhibit 2) Photocopy of 1-Page letter from Brian David Hill to the Martinsville Police Chief dated January 19, 2019 while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. Also the second page of this Exhibit is a 1-page photocopy of the mailing envelope with mailing label before it was delivered to the prison Mail Room, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**
- Exhibit 3) 1-Page of U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #8 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 22, 2019 with

the original letter before the photocopy of that same discovery letter was mailed at a later time (See Exhibit 1). The prison treated the mailing as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 1-page.** 

Exhibit 4) 3-Page letter to the Martinsville Chief of Police, was typed up and mailed to them by Brian David Hill's grandparents. Noted: January 19, 2019

(Typed letter March 13, 2019), "Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady", "CC: Commonwealth Attorney, Case no C18-3138,". Note: The Defendant will be looking for the return receipt to see if it can be located in the pile of papers in the multiple boxes full of legal papers, so that the court will have proof of receipt if necessary. Total of 3-pages.

Exhibit 5) A 2-page news article titled "Body Cameras Proving Useful for Martinsville Police | WSET". It proves that since 2013, Martinsville Police Department records body-camera footage of incidents. That may include recording of Brian David Hill on September 21, 2018, and any statements that he had made in regards to a "man wearing a hoodie" and may be useful in proving that Brian David Hill was not acting right at the time which would help prove that he was under carbon monoxide poisoning. **Total of 2-pages.** 

<u>Total evidence of 10 pages of five (5) Exhibits, 5 additional pages for the Exhibit page markers. 15 pages attached to this letter.</u>

### **ANALYSIS:**

From the Virginia Supreme Court rules document:

"The parties have a duty to seasonably supplement and amend discovery responses

pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel."

Since Defendant has sent two letters with "CC: Commonwealth Attorney, Case no. C18-3138," and family sent one typed letter asking for the police body-camera footage for Hill's case, it is clear that Hill had made a good faith effort to explain to the prosecution and the Police Department that the body-camera footage of what had happened on September 21, 2018, was needed for discovery purposes for the case. The old case number for the General District Court case was referenced because Hill did not know the Circuit Court case number at the time he was sending those letters, but that case number is the very same case number of what was appealed. No responses were ever found or noted. As far as Hill is concerned, there are no responses to his discovery requests. Hill had mailed a copy of the letter (Exhibit 2) to Scott Albrecht while he was still Hill's counsel of record at the time. Attorney Scott Albrecht never informed Hill as to whether or not the body-camera footage was turned over to defense counsel. Therefore no responses are noted and no responses exist in regards to Hill's two attempts to ask for the body-camera footage and Hill's families one attempt in a typed letter asking for the body-camera footage. Three written attempts have been made asking for the body-camera footage this year, in a request to Martinsville Police Department and "CC: Commonwealth Attorney".

It is clear that Brian David Hill as Defendant is entitled to the police body-camera footage pursuant to Rule 4:1 of the Supreme Court Rules for Virginia Courts as well as Brady v. Maryland case law from the U.S. Supreme Court (law of the land) which also applies to state courts, and any other rule or statute for the discovery process.

Also Hill would like to request from the Commonwealth Attorney and from Martinsville Police Department, that Hill's defense counsel get access to any blood-work or blood samples taken from Hill while he was at Sovah Hospital on September 21, 2018, before he was arrested. This includes any laboratory results, blood vials taken at the time of Hill's arrest, blood samples taken at the time of Hill's arrest, etc etc. Blood was clearly taken from Hill while he was at the Hospital, but since he was arrested, the Hospital likely would have given the blood drawn to the Police for conducting their own laboratory tests including but not limited to possible drugs.

Last page of Exhibit 10 in the evidence Exhibits which were attached to Brian's filed pro se Motion (Seq. # 22, filed 07/19/2019, evidence attached to this filing was filed on 07/22/2019 after being given to Clerk's office) for Defense of Mental Insanity "INSANITY DEF-FILED BY DEF", shows that laboratory results were ordered but later deleted from the chart and then Hill was released to Martinsville City Jail as stated in the medical records. Because Hill was escorted there with law enforcement, the Hospital likely had given the blood vials to the Martinsville Police Department to conduct their own laboratory work. That would mean a possibility that the Police Department has the blood samples, and the blood vials are likely in evidence storage for the indecent exposure investigation. Those are also subject to discovery for defense counsel. The blood vials are needed to conduct laboratory tests to find evidence of Carbon Monoxide poisoning in the blood with a lab test of "carboxyhemoglobin" which would prove that Carbon Monoxide was in the blood of Brian David Hill during the time of the alleged offense on September 21, 2018. Hill had asked Attorney Scott Abrecht, after he had turned himself in (Seq. #15, 05/30/2019, "HILL TURNED HIMSELF IN") to find the laboratory results but Hill later learned from his family that the Commonwealth Attorney didn't have the laboratory results, but the Commonwealth

Attorney never said anything to Scott Albrecht about the blood vials and blood-work that was drawn while Hill was at the hospital. So the blood vials may still exist as evidence and may be retained by Martinsville Police Department due to Sovah Hospital's policy in regards to a patient that is escorted by law enforcement or was with law enforcement.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion for Discovery and compel the Commonwealth Attorney and Martinsville Police Department (who the Commonwealth represents) to turn over the evidence of the body-camera footage (as noted above) to Defense counsel, and the blood-work and/or blood-vials of Brian David Hill (at the time he was arrested) to Defense counsel. That the Court order all discovery evidence that the Commonwealth Attorney and Martinsville Police Department has withheld be turned over to Defense counsel As Soon As Possible.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order compelling discovery materials be turned over to DefensE Counsel in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 26<sup>th</sup> day of July, 2019.

Signed,

Brian D. Hill (Pro Se)

Phone #: 276-790-3505

310 Forest Street, Apartment 1 Martinsville, Virginia 24112



Amazon: The Frame Up of Journalist Brian D. Hill Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

Qanon

Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 26, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, \_

Brian D. Hill (Pro Se)

Phone #: 276-790-3505

310 Forest Street, Apartment 1 Martinsville, Virginia 24112

U.S.W.G.O.

Amazon: The Frame Up of Journalist Brian D. Hill Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

Qanon

Brian D. Hill asks President Donald John Trump and QANON for help.

# Exhibit 1

USWGO QANON // DRAIN THE SWAMP MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00 "Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1 MIDDLE DISTRICT OF NORTH CAROLINA

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#6	<u> </u>	Law Office of Marcia G. Shein (Attorney), Marcia G Shein,
44-7	<u> </u>	2392 N Decatur RD, Decatur, GA 30033, US 02/01/2019
#7	I pg	Law Offices of Alan Ellis (Attorney), Alan Ellis, 271 Madison Ave 20th Floor, New York, NY 10016, US 02/04/2019
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#8	<u> </u>	ATTN: National Security Council, The White House, Exe. Office of
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#1. 2-page letter to U.S. Probation Officer Jason McMurray, Copy of 1-page letter to Chief of Police Jated January 19th 2019 and Copy of 1-page letter to Chief of Police Jated January 20th, 2019. †2. 4-page letter to Alexandria Veletsis January 26, 2019. #3. 3-page Testimony of Brian David Hill-Declaration and 3-page copy, for Commonwealth Attorney; 2-page Notice of Additional idence and 2-page copy dated Jan 28, 2019, for Commonwealth Torney, Testimony dated January 27, 2019 1-page letter to Chief of Police Sated January 20, 2019, and capy of 1-page letter to Chief of Police dated
January 19, 2019. \$5. Photocopy of same 4-page letter to Alexandria Veletsis (#2.)
dated January 26, 2019; Copy of 1-page letter personally delivered to
Bernie Maidoff delivered 5:35PM January 30, 2019. Certified mail tracking number: 7018 1190 0000 8996 6290 #6. 1-page letter to Attorney Marcia G. Shein dated February 1, 2019 #70 1-page letter to Attorney Alan Ellis dated February 1, 20 #8. 4-page letter to the National Security Council dated February 3 2019, Certified Nail tracking number Feb. 3 7018 1130 0000 8936 6320 #4. 1-page Motion to Request Iranscripts, 1-page Certificate of Service, -page letter to the Clerk of the Court dated February 6, 2019. #10, 1-page Docket Report request letter to Clerk of the Court dated page letter to National Security Council dated February 9. 1-page photocopy of Request to Staff Jated 02/13/2019 DPM. Certified Mail tracting no. 7018 1130 0000 8936 6306

# Exhibit 2

USWGO QANON // DRAIN THE SWAMP MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00 "Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1 MIDDLE DISTRICT OF NORTH CAROLINA

Dear Chief of Police of Martinsville Police Dept., CC: Commonwealth Attorney, Case no. C18-3138, 55 West Church Street,
CC: Commonwealth Attorney Case no. C18-3138.
55 West Church Street.
13/11/10/21/2015 \$111/2020
Municipal Building, Martinsville, VA 24112, Martinsville Circuit Court case Discovery Request
Discovery Request
·
Under Virginia Code in regards to discovery requirements
Tor Misdameanor and Tetony Trials in the Commonwealth of
Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of
hereby requests a copy of Police Body-Camera
footage presumably recorded by Sat. R.D. Jones of
Martinsville Police Department between the times of 5:00ANI
and 4:00AM September 21, 2018, where I gave statements about the man wearing the hoodie who had
statements about the man wearing the hoodie who had
threatened to Kill my mather Roberta Hill on the late night
of September 20, 2018. Please turn over that Police
body camera tootage recording evidence copy to my
Attorney Scott Albrecht of the Martinsville Public Defender
Office, As Soon As Possible. Thank You for your service.
Nly Kespects,
Brian D'Hill
Dated January 19, 2019.
P.S. Brian Hill has Autism Brian David Hill #29947-057
Spectrum Disorder in DMV Federal Correctional Institution 1
handicap placard records. Uld NC Hwy 75; P.O. Box 1000
Butner, N.C. 27509
Justice For USWGO, wordpress, com U.S.W.G.O.
<i>U.S.W.G.O.</i> '

# Brian David Hill #29947-057

Name:

Number:

Federal Correctional Institution 1

P.O. Box 1000

Butner, NC 27509

Chief of Police

⇔29947-057⇔ Police Of Martinsville

Police Of Martinsville Martinsville VA Police 55 W Church ST Municipal Building Martinsville, VA 24112 United States



LEGAL MAIL

# Exhibit 3

USWGO QANON // DRAIN THE SWAMP MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00 "Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

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#8	Tog	Chief of Police Police of Martinsville 55 W Church ST
	<u> </u>	Municipal Building, Martinsville, VA 24112, US 01/22/2019
#9	<u> </u>	Us Federal Courthouse Hon. Judge Joe Webster, Magistrate 323 E Chapel
H10	400	Hill ST Room 2, Durham NC 27701-3351, US 01/24/2019 Anand P Ramaswamy, AUSA, United States Attorney, 101 S Edgeworth ST
#IV	179	Anand I Kamaswamy, AUSA United States Attorney, 101 S Edgeworth ST 4th Floor, Greensboro, NC 27401, US 01/24/2019
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	Ü	Attorney Scatt Albrecht, Public Defender Office, 31 P.O. Drawer, Martinsville, VA 24114, US 01/24/2019 316

# Exhibit 4

USWGO QANON // DRAIN THE SWAMP MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00 "Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1 MIDDLE DISTRICT OF NORTH CAROLINA January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Respects,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1 Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509 JusticeForUSWGO,wordpress.com USWGO

(Letter 1)

January 20, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Department: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case

There are more facts that must be known about me in this case which involve my mental/neurological disability/handicap of Autism Spectrum Disorder. The man that had threatened to kill my mother Roberta Hill if I didn't get naked and take pictures of myself is a form of verbal sexual abuse similar to a pedophile threatening a kid to get naked. I almost would have gotten sexually taken advantage of by an inmate named Crutchfield while I'm being evaluated mentally here meaning, I would have been raped if other inmates with life sentences had not taken up for me and protected me that are against rape. Research on Google that people with Autism are more likely to be verbally and physically sexually abused. The man wearing the hoodie wanted to take advantage of me. Please contact Renetta Craighead of Piedmont Community Services and REACH. They will explain to you about my condition. I never should have been arrested and should have been placed in witness protection. This case should be dismissed. I am Innocent. Thank you.

My respects,

Brian D. Hill (Signed)

Dated January 20, 2019

Caretaker: Roberta Hill: 276-790-3505, 276-224-7373 Kenneth Forinash, U.S.A.F: 276-632-2599, 276-224-4527

Brian David Hill #29947-057 Federal Correctional Institution Old NC Hwy 75; PO Box 1000 Butner, NC 27509

# Copy of note mailed with letter dated January 19, 2019

Chief of Police and Commonwealth Attorney in Martinsville, VA,

Please acknowledge receipt of letters. Please write response.

Thank you

Brian D. Hill

God bless you!

Note: In a week of no response, I will assume that it was lost and mail another copy. Thanks.

Note from Brian's grandparents. Brian wrote this on January 19, 2019 and January, 20, 2019. He received no response, He sent it again and received no response a week later. After waiting almost two months, his grandparents will have to go to the post office and send this out return receipt requested. You also should know that Brian has been on disability since the age of 19 months; has brittle diabetes requiring insulin shots, has seizures, autism, anxiety and OCD. His actions that night were not normal. He was a victim who was arrested and sent to jail by the police who are supposed to protect its citizens and disabled. Brian's mom and grandparents were at the trial and noticed the prosecuting attorney making derogatory comments and making fun of this disabled citizen of Martinsville in front of his family and many other people in the court room.

Brian, We are also sending a copy
of the 3 page disabled parting Placard
with your disability (autism) &
your name baddress with this letter of Police

# Exhibit 5

USWGO QANON // DRAIN THE SWAMP MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00 "Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1 MIDDLE DISTRICT OF NORTH CAROLINA  $Body\ Cameras\ Proving\ Useful\ for\ Martinsville\ Police\ |\ WSETXHIBIT\ PAGE \ Description \ PAGE \ Description \ PAGE \ Description \ PAGE \ PAG$ 



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Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven themselves.

Even on a very routine call, every word spoken and every movement taken will be captured clearly.

"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the nest few months it did comething they didn't even expect. When a man

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CLERK DEPUTY CLERK

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# **EXHIBIT 16**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



### EXHIBIT PAGE 248 OF 337

Virginia Medicaid Claims History For

Claims For 11/19/2017 Member ID: 690024628015, Member Name: Brian Hill And 9/21/2018

Billing		Servicing	T	1	1	1	T	1	1	1	1	1		l		I		
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(NPI) 1033143466	Name Total	Total	Name Total	Number Total	Number Total	From Date Total	<b>Date</b> Total	Paid Date Total	Total	Name Total	Total	Code Total	Procedure Name Total	Total	Drug Brand Name Total	\$1,838.00	Paid Amount \$171.86	
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10007 20100	Danville Regional	1300720103	Danville Regional	0012012111	10,13301	11, 13, 201,	11, 13, 101,	7, 20, 2020		Type 2 diabetes		00						
	Medical LLC dba		Medical LLC dba	T1808200009	20182329					mellitus with			COMPLETE CBC					, ,
1386720183	Sovah Health-Dan	1386720183	Sovah Health-Dan	661BCPEIR	16719901	11/19/2017	11/19/2017	7/18/2018	E1165	hyperglyce	5	85025	W/AUTO DIFF WBC					Υ
10007 20100	Danville Regional	1300720103	Danville Regional	0012012111	10,13301	11, 13, 201,	11, 13, 101,	7,10,2020	11103	Type 2 diabetes	-	05025	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					
	Medical LLC dba		Medical LLC dba	T1808200009	20182329					mellitus with			CHEST X-RAY 1 VIEW					, ,
1386720183	Sovah Health-Dan	1386720183	Sovah Health-Dan	661BCPEIR		11/19/2017	11/19/2017	7/18/2018	E1165	hyperglyce	6	71010	FRONTAL					Υ
	Danville Regional		Danville Regional					1, 20, 2020		Type 2 diabetes								
	Medical LLC dba		Medical LLC dba	T1808200009	20182329					mellitus with			CT HEAD/BRAIN W/O					, ,
1386720183	Sovah Health-Dan	1386720183	Sovah Health-Dan	661BCPEIR	16719901	11/19/2017	11/19/2017	7/18/2018	E1165	hyperglyce	7	70450	DYE					Υ
	Danville Regional		Danville Regional			, -, -	, -, -	, .,		Type 2 diabetes			RPR					
	Medical LLC dba		Medical LLC dba	T1808200009	20182329					mellitus with			S/N/AX/GEN/TRNK2.6-					
1386720183	Sovah Health-Dan	1386720183	Sovah Health-Dan	661BCPEIR		11/19/2017	11/19/2017	7/18/2018	E1165	hyperglyce	8	12002	7.5CM					Υ
	Danville Regional		Danville Regional			, -, -	, -, -	, -, -		Type 2 diabetes								
	Medical LLC dba		Medical LLC dba	T1808200009	20182329					mellitus with			THER/PROPH/DIAG					
1386720183	Sovah Health-Dan	1386720183	Sovah Health-Dan	661BCPEIR	16719901	11/19/2017	11/19/2017	7/18/2018	E1165	hyperglyce	9	96374	INJ IV PUSH					Υ
	Danville Regional		Danville Regional			<u> </u>	· ·			Type 2 diabetes								
1	Medical LLC dba		Medical LLC dba	T1808200009	20182329					mellitus with			EMERGENCY DEPT					, ,
1386720183	Sovah Health-Dan	1386720183	Sovah Health-Dan	661BCPEIR		11/19/2017	11/19/2017	7/18/2018	E1165	hyperglyce	10	99284	VISIT					Υ
	Danville Regional		Danville Regional						1	Type 2 diabetes								
	Medical LLC dba		Medical LLC dba	T1808200009	20182329					mellitus with			ELECTROCARDIOGRA					, ,
1386720183	Sovah Health-Dan	1386720183	Sovah Health-Dan	661BCPEIR		11/19/2017	11/19/2017	7/18/2018	E1165	hyperglyce	11	93005	M TRACING					Υ
						<u> </u>		· · · · ·	1	1. 0, -		1						

Claim Enc Code= Encounter Claim through Managed Care (Yes or No)

NDC=National Drug Code

#### EXHIBIT PAGE 249 OF 337

Virginia Medicaid Claims History For Member ID: 690024628015, Member Name: Brian Hill

Billing Servicing Provider Provider National National Provider Provider Service Pro-Legacy Primary Claim Identifier **BIlling Provider** Identifier Servicing Provider Claim Claim Service Through Diagnosis Primary Diagnosis cedure Claim Enc (NPI) Name (NPI) Name Paid Date Code Name NDC Drug Brand Name | Billed Amount Paid Amount Code Number Number From Date Date Code Procedure Name 1417262056 Total \$50.85 \$50.85 Total **Encounter for** PUBLIC **PUBLIC** T1803140066 20180739 screening. UNSKILLED RESPITE PARTNERSHIPS, LLC PARTNERSHIPS, LLC 260BCPEPO 25265501 11/19/2017 1 1417262056 1417262056 11/19/2017 3/9/2018 Z139 unspecified S5150 CARE, NOT HOSPICE \$50.85 \$50.85 1891728564 Total \$173.00 \$44.25 Total CT HEAD/BRAIN W/O T1804160243 20181069 Unspecified injury of MAROON B KHOURY 055BCPEPO 33785201 11/19/2017 11/19/2017 MAROON B KHOURY 1891728564 3/28/2018 S0990XA head, initial enco 1 70450 DYE \$143.00 \$36.48 T1804160243 20181069 CHEST X-RAY 1 VIEW MAROON B KHOURY 056BCPEPO 33785301 11/19/2017 1891728564 MAROON B KHOURY 1891728564 11/19/2017 3/28/2018 R0789 1 71010 FRONTAL \$30.00 \$7.77 Other chest pain 1154419737 Total \$4,107.00 \$183.27 Total Danville Regional Danville Regional T2006260460 20201789 **EMERGENCY DEPT** Medical LLC dba Medical LLC dba Abrasion, right knee, 549BCPEIR 1154419737 Sovah Health-Dan 1154419737 Sovah Health-Dan 34474401 9/21/2018 9/21/2018 2/19/2019 | S80211A | initial encounter 1 99285 VISIT \$4,107.00 \$183.27 Danville Regional Danville Regional Medical LLC dba Medical LLC dba T2006260460 20201789 TD VACC NO PRESV 7 TENIVAC 5-Abrasion, right knee, 1154419737 Sovah Health-Dan 1154419737 Sovah Health-Dan 549BCPEIR 34474401 9/21/2018 9/21/2018 2/19/2019 S80211A initial encounter 2 90714 YRS+ IM 49281021588 2/0.5ML SYRINGE Danville Regional Danville Regional T2006260460 20201789 Medical LLC dba Medical LLC dba Abrasion, right knee, IMMUNIZATION 1154419737 Sovah Health-Dan 1154419737 Sovah Health-Dan 549BCPEIR 34474401 9/21/2018 9/21/2018 2/19/2019 S80211A initial encounter 3 90471 ADMIN 1184674129 Total \$512.10 Total \$140.10 Total Unspecified MARTINSVILLE CITY MARTINSVILLE CITY T1903260234 20190859 dislocation of right AMBULANCE SERVICE PUBLIC SCHOOLS 915BCPEPO 26883002 9/21/2018 A0429 BASIC LIFE SUPPO \$512.10 1184674129 1184674129 PUBLIC SCHOOLS 9/21/2018 10/9/2018 | S83104A | knee, i 1 \$140.10 Unspecified MARTINSVILLE CITY MARTINSVILLE CITY T1903260234 20190859 dislocation of right GROUND MILEAGE, 1184674129 PUBLIC SCHOOLS 1184674129 915BCPEPO 26883002 9/21/2018 10/9/2018 | S83104A | knee, i PUBLIC SCHOOLS 9/21/2018 2 A0425 PER STATUTE MILE 1427005008 Total \$874.00 \$82.90 Total Total **EMERGENCY** COVERAGE **EMERGENCY DEPT** BRANT D HINCHMAN | T1811160170 | 20183209 Abrasion, right knee, 1427005008 CORPORATION 1154673895 283BCPEPO 20497302 9/21/2018 9/21/2018 10/5/2018 | S80211A | initial encounter 99284 \$874.00 \$82.90 , DO 1 VISIT **EMERGENCY** COVERAGE BRANT D HINCHMAN | T1811160170 | 20183209 MED SERV 10PM-8AM Abrasion, right knee, CORPORATION 1427005008 1154673895 , DO 283BCPEPO 20497302 9/21/2018 9/21/2018 10/5/2018 | S80211A | initial encounter 2 99053 24 HR FAC

**GRAND TOTALS** 

\$33,357.14

\$2,866.92

Claims For 11/19/2017

And 9/21/2018

# **EXHIBIT 17**

attached to: "MOTION FOR SET ASIDE OR
RELIEVE DEFENDANT OF JUDGMENT OF
CONVICTION OF CRIMINAL CHARGE
PURSUANT TO VIRGINIA CODE § 8.01-428(D),
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA
CODE § 8.01-428(B) ON THE BASIS OF FRAUD
UPON THE COURT, CLERICAL FACTUAL
ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



## Re: Brian D. Hill asked me to send this email to you about his appealed case

From: Eric S Clark (eric@whitestonepublishing.org)

To: kenstella2007@yahoo.com; salbrecht@mar.IDC.Virginia.gov

Cc: rbhill67@yahoo.com

Date: Thursday, December 27, 2018 at 11:21 PM EST

#### Concerning this part:

Also please email Scott Albrecht and see if he wishes to represent me on appeal or notify the Court that he cannot represent me so a new lawyer can be appointed as soon as possible for Circuit Court

If Scott wishes to get involved, he will have to work with Eric Clark since he has the three Virginia appeal case laws that I had messaged him.

Brian already had me forward messages on Christmas day and those messages (MESSAGE 1) had the three case law citations.

Obtaining body cam footage through discovery and an expert witness from REACH (concerning autism) are probably

the key things. Should be able to file a motion in limine or a motion for directed verdict base on those evidences.

As for the January 28, 2019 Court date, they should allow a "motion for continuance" IF Brian and his attorney (whether Scott or someone else) are not ready for trial.

Let me know if there's anything I can do to help.

Eric Clark 785-214-8904

From: Ken & Stella

Sent: Thursday, December 27, 2018 9:46 PM

To: salbrecht@mar.IDC.Virginia.gov Cc: Eric S. Clark ; Roberta Hill

Subject: Brian D. Hill asked me to send this email to you about his appealed case

## Attorney Albrecht:

Brian David Hill, our grandson is in the Western Regional Virginia jail. He has asked us to send you an email with these statements and asking these

1 of 2 1/24/2023, 10:44 PM

questions: Please reply to this email letting us know that you have read this.

# My scheduled court date for the Martinsville Circuit Court is January 28, 2019.

I will file a motion for Writ of Actual Innocence and motion for new trial pursuant to Virginia Code Sec. 19.2-265.4 a failure to provide discovery in Misdemeanor and felony cases. The bodycam footage and 911 recording is another one. I will fill out the ADA Accommodation form for my Circuit Court case on January 28, 2019.

Also please email Scott Albrecht and see if he wishes to represent me on appeal or notify the Court that he cannot represent me so a new lawyer can be appointed as soon as possible for Circuit Court

If Scott wishes to get involved, he will have to work with Eric Clark since he has the three Virginia appeal case laws that I had messaged him. (Eric's email address is above).

Brian is also filling out an accommodation form for disabled citizens.

Sincerely.

Ken & Stella Forinash (Brian David Hill's grandparents)

2 of 2 1/24/2023, 10:44 PM

# **EXHIBIT 18**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



Brian Hill MRN: MM00370912 ACCT: MM7806761243

## Sovah Health Martinsville

320 Hospital Drive Martinsville, VA 24112 276-666-7237

7806761243

Emergency Department Instructions for:

Hill, Brian D

**Arrival Date:** 

Friday, September 21, 2018

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

Care provided by: Hinchman, Brant, DO

Diagnosis:

Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
Private Physician When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care Emergency Department When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

National Hopeline Network: 1-800-784-2433

If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.

I hereby acknowledge that I have received a copy of my transition care record and understand the

above instructions and prescriptions.

Brian Hill

ED Physician or Nurse 09/2/1/2018 04:52

#### **EXHIBIT PAGE 255 OF 337**

EMERGENCY DEPARTMENT RECORD Physician Documentation Sovah Health Martinsville

Name: Brian Hill

Age: 28 yrs Sex: Male

DOB: 05/26/1990 MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9 Private MD:

ED Physician Hinchman, Brant

HPI: 09/21

04:40 This 28 yrs old White Male presents to ER via Law Enforcement with complaints of Knee Pain.

09/21

04:48 28-year-old male with diabetes and autism presents for evaluation after complaining of right knee pain and scrapes and abrasions. Patient was apparently taking pictures of himself in the nude across town this evening and when police attempted apprehend him brain through Briar patch. Patient does report scratches and abrasions to the right knee but no pain on range of motion. Unknown last tetanus..

bdh

#### Historical:

- Allergies: Ranitidine;
- PMHx: autism; Diabetes IDDM; OCD;
- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.
- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient/guardian denies using alcohol, street drugs, The patient's primary language is English. The patient's preferred language is English.
- Family history:: No immediate family members are acutely ill.
- Sepsis Screening:: Sepsis screening negative at this time.
- Suicide Risk Screen:: Have you been feeling depressed in the last couple of weeks? No Have you been feeling hopeless to the extent that you would want to end your life? No Have you attempted suicide or had a plan to attempt within the last 12 months? No.
- Abuse Screen:: Patient verbally denies physical, verbal and emotional abuse/neglect.
- Tuberculosis screening:: No symptoms or risk factors identified.
- The history from nurses notes was reviewed: and my personal history differs from that reported to nursing.

#### ROS:

09/21

04:49 All other systems are negative, except as documented below.

bdh

Constitutional: Negative for chills, fever. Respiratory: Negative for

#### EXHIBIT PAGE 256 OF 337

Brian Hill MRN: MM00370912 ACCT: MM7806761243

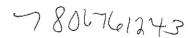
### **FOLLOW UP INSTRUCTIONS**

Private Physician When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

Emergency Department When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition



MM7806761243

#### EXHIBIT PAGE 257 OF 337

Brian Hill MRN: MM00370912 ACCT: MM7806761243

#### MRN # MM00370912

#### X-RAYS and LAB TESTS:

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

#### **MEDICATIONS:**

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

#### **TESTS AND PROCEDURES**

Labs None

Rad None

Procedures None

Other Call ERT, IV saline lock

**Chart Copy** 

7806761234

#### **EXHIBIT PAGE 258 OF 337**

cough, dyspnea on exertion, shortness of breath. MS/extremity: Positive for pain, Negative for decreased range of motion, paresthesias, swelling, tenderness, tingling. Skin: Positive for abrasion(s), Negative for rash, swelling.

## Exam: 09/21

04:49 Constitutional: This is a well developed, well nourished patient who bdh is awake, alert, and in no acute distress. Head/Face: Normocephalic, atraumatic. Eyes: Pupils equal round and reactive to light, extra-ocular motions intact. Lids and lashes normal. Conjunctiva and sclera are non-icteric and not injected. Cornea within normal limits. Periorbital areas with no swelling, redness, or edema. ENT: Oropharynx with no redness, swelling, or masses, exudates, or evidence of obstruction, uvula midline. Mucous membranes moist. No meningismus. Neck: Supple, full range of motion without nuchal rigidity, or vertebral point tenderness. No Meningismus. No JVD Cardiovascular: Regular rate and rhythm with a normal S1 and S2. No gallops, murmurs, or rubs. No JVD. No pulse deficits. Respiratory: Lungs have equal breath sounds bilaterally, clear to auscultation and percussion. No rales, rhonchi or wheezes noted. No increased work of breathing, no retractions or nasal flaring. Abdomen/GI: Soft, non-tender, with normal bowel sounds. No distension or tympany. guarding or rebound. No pulsatile mass. Back: No spinal tenderness. No costovertebral tenderness. Full range of motion. Skin: Multiple superficial abrasions to the groin and abdomen without fluctuance or tenderness. MS/ Extremity: Pulses equal, no cyanosis. Neurovascular intact. Full, normal range of motion. No peripheral edema, tenderness. Abrasion to right knee but nontender, no deformity or swelling. Ambulating without difficulty. Neuro: Awake and alert, GCS 15, oriented to person, place, time, and situation. Cranial nerves II-XII grossly intact. Psych: Awake, alert, with orientation to person, place and time. Behavior, mood, and affect are within normal limits.

#### Vital Signs:

09/21

04:09 BP 124 / 86; Pulse 119; Resp 19; Temp 98; Pulse Ox 98%; Weight 99.79 jt kg; Height 6 ft. 0 in. (182.88 cm); Pain 0/10; 09/21

09/21

05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99%; Pain 0/10; jt 09/21

04:09 Body Mass Index 29.84 (99.79 kg, 182.88 cm)

MDM:

09/21

04:04 MSE Initiated by Provider.

bdh

jt

09/21

04:50 Differential diagnosis: fracture, sprain, penetrating trauma, et al. bdh ED course: Cleared from a psychiatric standpoint by Behavioral Health. Patient will be discharged to jail. No new complaints. Data reviewed: vital signs, nurses notes. Counseling: I had a detailed

discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the

#### EXHIBIT PAGE 259 OF 337

discharge/admit diagnosis, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home.

09/21 04:16 Order name: Call ERT; Complete Time: 04:25 bdh 04:16 Order name: IV saline lock; Complete Time: 04:36 bdh 09/21 04:29 Order name: Other: NO suicidal homicidal risk; Complete Time: 05:03 bdh Dispensed Medications: Discontinued: NS 0.9% 1000 ml IV at 999 mL/hr once 09/21 04:36 Drug: Tetanus-Diphtheria Toxoid Adult 0.5 ml {Manufacturer: Grifols 1b1 Therapeutics. Exp: 09/27/2020. Lot #: A112A. } Route: IM; Site: right deltoid: 09/21 05:04 Follow up: Response: No adverse reaction lb1 09/21 04:36 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; 1h1 Delivery: Primary tubing; 09/21 05:11 Follow up: IV Status: Completed infusion dr

#### Disposition:

09/21

04:52 Electronically signed by Hinchman, Brant, DO at 04:52 on 09/21/2018. bdh Chart complete.

#### Disposition:

09/21/18 04:52 Discharged to Jail/Police. Impression: Abrasion, right knee, Abrasion of unspecified front wall of thorax.

- Condition is Stable.
- Discharge Instructions: VIS, Tetanus, Diphtheria (Td) CDC, Abrasion, Easy-to-Read, Knee Pain, Easy-to-Read.
- Medication Reconciliation form.
- Follow up: Private Physician; When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care. Follow up: Emergency Department; When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition.
- Problem is new.
- Symptoms have improved.

#### Order Results:

There are currently no results for this order. Signatures:

Dispatcher MedHost EDMS
Tate, Jessica, RN RN jt
Hinchman, Brant, DO DO bdh

### EXHIBIT PAGE 260 OF 337

nmr

Bouldin, Lauren, RN RN Reynolds, Daniel R RN	lb1 dr					
Corrections: (The following items were delet 09/21	ted from the chart)					
04:48 09/21 04:16 COMPREHENSIVE METABOLIC PR	ANEL+LAB ordered. EDMS ED	MS				
04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO 09/21	DIFF+LAB ordered. EDMS ED	MS				
04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EI 09/21	DMS ED.	MS				
04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered 09/21	d. EDMS ED	MS				
04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB or 09/21	rdered. EDMS ED	MS				
04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression: Abrasion, right knee; Abrasion of unspecified front wall of thorax. Condition is Stable. Discharge Instructions: Medication Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care. Follow up: Emergency Department; When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition. Problem is new. Symptoms have improved. bdh 09/21						
04:54 09/21 04:16 URINALYSIS W/REFLEX TO CUI	LTURE+LAB ordered. EDMS ED	MS				

Ramey, Nicole

# **EXHIBIT 19**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



## Brian D. Hill asked me to send this email to you about his appealed case

From: Ken & Stella (kenstella2007@yahoo.com)

To: salbrecht@mar.IDC.Virginia.gov

Cc: eric@whitestonepublishing.org; rbhill67@yahoo.com

Date: Thursday, December 27, 2018 at 10:50 PM EST

# Attorney Albrecht:

Brian David Hill, our grandson is in the Western Regional Virginia jail. He has asked us to send you an email with these statements and asking these questions: Please reply to this email letting us know that you have read this.

My scheduled court date for the Martinsville Circuit Court is January 28, 2019.

I will file a motion for Writ of Actual Innocence and motion for new trial pursuant to Virginia Code Sec. 19.2-265.4 a failure to provide discovery in Misdemeanor and felony cases. The bodycam footage and 911 recording is another one. I will fill out the ADA Accommodation form for my Circuit Court case on January 28, 2019.

Also please email Scott Albrecht and see if he wishes to represent me on appeal or notify the Court that he cannot represent me so a new lawyer can be appointed as soon as possible for Circuit Court

If Scott wishes to get involved, he will have to work with Eric Clark since he has the three Virginia appeal case laws that I had messaged him. (Eric's email address is above).

Brian is also filling out an accommodation form for disabled citizens.

1 of 2 1/24/2023, 10:45 PM

Sincerely.

Ken & Stella Forinash(Brian David Hill's grandparents)

2 of 2

# **EXHIBIT 20**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



## Fw: Brian D. Hill request

From: Ken & Stella (kenstella2007@yahoo.com)

To: rbhill67@yahoo.com

Date: Wednesday, December 26, 2018 at 04:30 PM EST

---- Forwarded Message -----

From: Eric S Clark <eric@whitestonepublishing.org>
To: Ken & Stella <kenstella2007@yahoo.com>

Sent: Wednesday, December 26, 2018, 7:27:15 AM EST

Subject: Re: Brian D. Hill request

Yes, if the attorney has not filed by Friday, then take those two documents to the court (Fri or next Wed). Those documents should work okay.

RE Albrecht was not a good attorney.

Yes and no.

He did bring up the same argument that WON on several appeals but maybe did not identify those cases specifically enough and maybe did not lay out enough facts for the appeal process.

If the appeal is "new trial" then more evidence can be brought up. If the appeal is just review of the trial below, then generally the appeal court will not consider new evidence.

I don't know what evidence the State presented, but I doubt it was enough

to show the legal standard of "obscene" was met.

The quotes below are from the appeal court in another case:

"A portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene."

The State must establish that Brian's "actions had as their dominant

1 of 5 1/24/2023, 10:48 PM

purpose an appeal to the prurient interest in sex."

With "purient interest in sex" meaning

"a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value."

## PS

Lowest level (trial court) judges sometimes(often?) do not know the

necessary meanings if the particular law in question so they sometimes rule incorrectly.

Again, I don't know what evidence the State presented, but, at this point, I think Brian has 95+% of wining on appeal.

From: Ken & Stella

Sent: Wednesday, December 26, 2018 4:48 AM

To: Eric S Clark

Subject: Re: Brian D. Hill request

Thank you, Eric. We will check to make sure that an appeal is filed by this Friday. If not, do we need to take something to the court ourselves by this Friday? Brian's trial was on Friday, Dec 21st. Court was closed on Sat - Tue Christmas Day. Will be opened this Wed., Thur, Fri. then closed for New Years Sat. - Tuesday. Albrecht was not a good attorney. We saw him lose another case before Brian's. We can't afford an attorney and appreciate all of your help!

On Tuesday, December 25, 2018, 9:58:25 PM EST, Eric S Clark <eric@whitestonepublishing.org> wrote:

I forwarded the information in the bottom email to the Public Defender that represented Brian. It is his DUTY as trial counsel to file the notice of appeal if he knows Brian wants to appeal.

2 of 5 1/24/2023, 10:48 PM

So, there will probably be nothing more you need to do other than check with the court to see if a notice of appeal has been filed already.

I looked at the cases Brian researched and based on those, he should win the appeal.

That said, if the appeal requires a "new trial" rather than just filing a brief to identify the trial court error, I encouraged Brian to seek a PLEA DEAL.
Only because that is an extra avenue to keep from having his supervised release from being revoked. That is, PLEA to a Jaywalking charge and pay a fine, something like that.

It was WRING to hold Brian in jail so long on this charge. Even with a GUILTY, the sentence was only 30 days. It sounds like he was in jail way longer than that before trial. Disgusting.

If the Public Defender wants to stay out of trouble, HE WILL FILE the notice of appeal -- probably right away. :-0)
From here down was sent to his Public Defender's email

From: Eric S Clark

Sent: Tuesday, December 25, 2018 4:46 PM

To: salbrecht@mar.IDC.Virginia.gov
Subject: Brian D. Hill request

I was asked to forward these messages from Brian Hill.

### **MESSAGE 1**

Scott Albrecht can be forwarded my email.

Scott Albrecht salbrecht@mar.IDC.Virginia.gov,

I attempted to file a pro se Notice of Appeal to the Circuit Court on late December 21, 2018, but the mail will go out till Wednesday morning if the jail doesn't fetter with it.

3 of 5

EXHIBIT PAGE 268 OF 337

The facts are simple 1. Brian was not aroused in the pictures. Brian hadpsd Autism Spectrum Disorder. Brian exhibited an extreme form of compliance so that his mother Roberta Hill wouldn't be killed. 2. Brian attempted to file two pro se motions to the Clerk of the Martinsville General District Court which never made docket in November prior to the trial. 3. Arguably, Nudists can take pictures of themselves and they were not aroused in pictures. The pictures in the case of Brian was to satisfy the guy who threatened to kill his mother. 4. Evidence of coercion exists but was not disclosed under Discovery violating Brady rights. Police bodycam footage during interview of Brian after arrest. The 911 call recording mast mention of Brian placing his hand ovrper his mouth or face which is unusual for indecent exposures. There are no Virginia indecent exposure cases with a guy putting his hand over his mouth and the other to his side. Brian has Autism. The witness who called 911 was never subpoenaed. An psychologist expert never reviewed over the pictures, bodycam footage, and interview Brian before testifying at the trial.

Brian was not aroused, Brian was coerced, his whole affidavit should have been presented before the Judge at trial, not bits and pieces of testimony but only the whole truth and nothing but the truth so help me God.

If the court of appeals adopts the three case laws to Brian's situation then he is not guilty of indecent exposure.

A.M v. Commonwealth of Virginia Alexandria, VA Circuit Court Case no 1150-12-4

Kenneth Samuel Moses v. Commonwealth of Virginia Salem, VA Circuit court Case no 0985-03-3

Kimberly F. Neice v. Commonwealth of Virginia Teleconference, VA Circuit Court CASE NO. 1477-09-3

Scott, all three were acquitted based exactly on your argument that I am innocent and didn't do anything indecent. The Court of Appeals may adopt those three rulings. I was never aroused in the photos. Competency was never a good strategy. An evaluation for the photos and an Autism expert under a certified psychology license would determine that I didn't behave appropriate in response to a threatening situation by over-complying. I showed signs of coercion when Iqpwas interviewed by the officer who turned on his body camera and the red recording light was on. That would show coercion as I was shaken up and explaining to the officer what had happened.

Scott I am innocent of indecent exposure based on the evidence that the prosecutor and police knew about and did not present during the trial.

### **MESSAGE 2**

Scott, Eric knows he is forwarding this message and the other message. Scott you know I was wrongfully convicted. I can still win. Three different Appellate rulings.

4 of 5 1/24/2023, 10:48 PM

Yahoo Mail - Fw: Brian D. Hill request

Scott, Eric is a witness that knows that I wanted to appeal to the Circuit Court. Scott please follow my request as my representative to directly appeal my wrongful conviction.

Thank you Scott and Thank you Eric. God bless you both.

Best Regards, Brian D. Hill U.S.W.G.O.

### **MESSAGE 3**

If they can push for a plea deal to a small infraction charge of illegal parking or even Jaywalking or some small stupid infraction charge in a plea deal, my Supervised Release will not be revoked.

Something that carries only a fine.

Mention that to Scott Albrecht.

He can also push for deferred prosecution requiring me to take safety courses.

5 of 5

# **EXHIBIT 21**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



EXI	HIBIT PAGE 271 OF 337	
ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING	Case No. CR1900009-00  COMPLETE DATA BELOW IF KNOWN	
MARTINEVILLE CIRCUIT COLIDT	RACE SEX BORN HT. WGT. EYES H	HAIR
MARTINSVILLE CIRCUIT COURT Circuit	Court   W   M   05   26   1990   6   00   150   BL   F	
MARTINSVILLE	·   SSN:	BR
v. BRIAN DAVID HILL	-0319	
310 FOREST ST APT 1	CERTIMPER 24 2040 NOVEMBER 45 2040	_
MARTINSVILLE, VA. 24112	SEPTEMBER 21, 2018 NOVEMBER 15, 2019	
The Defendant was this day [ ] tried in absence [X] pr	OFFENSE DATE TRIAL DATE  esent	
Attorney: CLARK, MATT	[x] Appointed [ ] Retained	
Attorney: CLARK, MATT Original Charge: INDECENT EXPOSURE	(1-th (1-th	
Code Section: 18.2-387	[ ] State Code [x] Local Ordinance	
Virginia Crime Code: OBS-3713-O1		
Plea:	Oliving Number	
[x] Not Guilty [ ] Consent	by Defendant to Waiver of Jury	
	urrence of Court and Commonwealth's Attorney	
	intarily and intelligently entered after defendant was apprised of his right	
	ompulsory self-incrimination, right to confront the witnesses against him to a jury trial.	9
	to a july triat.	
Code Cite: 18.2-387	Virginia Crime Code: OBS-3713-O1	· • • • • •
Finding:	Winginia Crime Code	
[ ] Not Guilty [ ] Guilty of	[×] Appeal/Withdraw/Affirm [ ] Appeal not timely file	
	/disposition to	
Charge: INDECENT EXPOSURE		
Code Cite: 18.2-387	Virginia Crime Code: OBS-3713-O1	
Order:	5	
[ ] Nolle Prosequi [ ] Dismissed [ ] Dismissed with	n Prejudice [ ] Continued to [x] COSTS i	mposec
[ ] FINE [ ] CIVIL PENALTY of \$	DATE AND TIME with \$ suspended	
00 0 4 / (0	[ ] of which days mandatory minimum, with su	
· · · · · · · · · · · · · · · · · · ·	ioned upon being of good behavior, keeping the peace, obeying this orde	
for paying fines and costs.	loned upon being of good behavior, keeping the peace, obeying this order	r and
Credit is allowed pursuant to § 53.1-187 for time	spent in confinement	
[ ] Serve jail sentence beginning		
[ ] Work release [ ] authorized if eligible [ ] re	[ ] not authori	zed
	[ ] VASAP [ ] local community-based probation	
[ ] DRIVER'S LICENSE suspended for		
[ ] Restricted Driver's License per attached order	[ ] Ignition Interlock for	
[ ] Attached Order for Restitution incorporated.		
[ ] COMMUNITY SERVICE hours to be co	empleted by and supervised by	
[ ] to be credited against fines and costs	1	
[ ] Contact prohibited between defendant and victim/	victim's family or household members	
[ ] Reimburse Commonwealth for investigatory med		

[ ] Bail on Appeal \$ .....

[ ] Registration pursuant to Code § 9.1-903 for offenses defined in § 9.1-902 is required.

[ ] Remanded for [ ] CCRE Report [ ]....

# **EXHIBIT 22**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



# VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,	)	•
<b>v.</b>	)	CASE NO: C18-3138
BRIAN DAVID HILL,	)	
Defendant.	)	

# **ORDER**

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

- (1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;
  - (2) A copy of any criminal record of the accused; and
- (3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of NOVIMBA, 2018.

Judge

I ASK FOR THIS:

Scott Albrecht, Esq. (VSB #88411)

Office of the Public Defender

P.O. Drawer 31

Martinsville, VA 24114

T: (276) 666-2206 ext. 106

F: (276) 666-8929

salbrecht@mar.idc.virginia.gov

Counsel for Defendant

SEEN and A

Attorney for the Commonwealth

City of Martinsville, Virginia

P.O. Box 1311

Martinsville, VA 24112

T: (276) 403-5470

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RECEIVED

DATE/TIME 11-2 Claus

ON Description Network

BY DEVILLE GENERAL DISTRICT COUR

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

vs.

CR19-009

BRIAN DAVID HILL,

Defendant.

# ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

- (2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.
- (3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeblemindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

day of February, 2019.

Judge

I ASK FOR THIS:

Scott Albrecht (VSB #88411)

Office of the Public Defender

P. O. Drawer 31

Martinsville, VA 24114

276-666-2206

276-666-8929 (fax)

salbrecht@mar.idc.virginia.gov

SEEN:

EXHIBIT PAGE 278 OF 337

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

vs.

CR19000009-00

BRIAN DAVID HILL,

Defendant.

## ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

- (2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.
- (3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeblemindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15th day of July, 2019.

Judge

I ASK FOR THIS:

Scott Albrecht (VSB #88411)

Office of the Public Defender

P.O. Drawer 31

Martinsville, VA 24114

276-666-2206

276-666-8929 (fax)

salbrecht@mar.idc.virginia.gov

SEEN:

Counsel for the Commonwealth

# **EXHIBIT 23**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM



HILL, BRIAN D MM7805836274 PRE ER MM.ER 11/19/17 0850 UNKNOWN. UNKNOWN DOB: 05/26/90 27 MR# MM00370912 Sovah Health - Martinsville

Sovah Health Martinsville

320 Hospital Drive Martinsville, VA 24112 276-666-7237

119/67

**Emergency Department** Instructions for:

Hill, Brian D

**Arrival Date:** 

Sunday, November 19, 2017

remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a

Thank you for choosing Sovah Health Martinsville for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or

single emergency care center visit.

Care provided by: Ekuban-Gordon, Edna, MD

Diagnosis:

Head Laceration/ Open wound of head; Hyperglycemia, unspecified

DISCHARGE INSTRUCTIONS	FORMS
Head Injury, Adult Facial Laceration Hyperglycemia, Easy-to-Read Stitches, Staples, or Adhesive Wound Closure, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
Private Physician When: 2 - 3 days; Reason: Wound Recheck	None
SPECIAL NOTES	
None	

Suicide National Hotline: 1-800-273-8255 (800-273-TALK)

If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.

I hereby acknowledge that I have received a copy of my transition care record and understand the

above instructions and prescriptions.

**Brian Hill** 

MRN # MM00370912

**ED Physician or Nurse** 

11/19/2017 12:14

X-RAYS and LAB TESTS:

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you

Discharge Instructions for: Brian Hill

had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

#### **MEDICATIONS**

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

# **TESTS AND PROCEDURES**

#### Labs

CMP, Complete Blood Count W/auto Diff, Thyroid Stimulating Hormone, POC GLU, POC GLU

#### Rad

CT Head w/o Contrast, Chest 1 View - Portable

#### Procedures

Blood Sugar, 12 Lead EKG, Laceration

#### Other

Seizure precautions, Accucheck, Cardiac Monitor, Apply to Pt, Pulse ox continuous, Oxygen at 2 L/NC, IV saline lock, EKG ED, Laceration repair set up

# **Chart Copy**

HILL, BRIAN D
MM7805836274 PRE ER MM.ER
11/19/17 0850 UNKNOWN, UNKNOWN
DOB:05/26/90 27 M MR# MM00370912
Sovah Health - Martinsville

#### EXHIBIT PAGE 284 OF 337

EMERGENCY DEPARTMENT RECORD

Nurse's Notes

Sovah Health Martinsville

Name: Brian Hill

Age: 27 yrs Sex: Male

DOB: 05/26/1990 MRN: MM00370912

Arrival Date: 11/19/2017

Time: 08:51

Account#: MM7805836274

Bed ER 6 Private MD:

Diagnosis: Head Laceration/ Open wound of head; Hyperglycemia, unspecified

#### Presentation:

11/19

09:08 Presenting complaint: Patient states: had a seizure this morning due 11 to low blood sugar, laceration to head per pt, bleeding controlled. Airway is patent with good air movement. The patient is breathing without difficulty. The patient is pink, warm and dry. Heart rate is within normal limits. Patient is alert and oriented to person, place and time, Patient is moving all extremities appropriately. 11/19

09:08 Acuity: Urgent (3)

11

#### Historical:

- Allergies: Ranitidine;
- Home Meds:
- 1. Unable to Obtain
- PMHx: OCD; autism; Diabetes IDDM;
- Sepsis Screening:: Sepsis screening negative at this time.
- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient's primary language is English. The patient's preferred language is English.
- Family history:: Reviewed and not pertinent.
- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.
- Suicide Screening:: Have you recently had thoughts about hurting yourself or others? No.
- Tuberculosis screening:: No symptoms or risk factors identified.

#### Screening:

11/19

09:41 Fall Risk: Total Points: Med. Risk (25-44);. Abuse Screen: Patient mkk verbally denies physical, verbal and emotional abuse/neglect. There are no cultural/spiritual considerations for care for this patient.

## Assessment:

11/19

09:38 Complains of pain in face Pain does not radiate. Pain currently is 7 mkk

#### **EXHIBIT PAGE 285 OF 337**

out of 10 on a pain scale. The level of pain that is acceptable is 0 out of 10 on a pain scale. General: Appears in no apparent distress, comfortable, well developed, well nourished, well groomed, Behavior is appropriate for age, cooperative, pleasant. Neuro: Reports headache. Neuro: Reports seizure due to low blood sugar. EENT: Denies. Cardiovascular: Denies. Respiratory: Denies. GI: Denies. GU: Denies. Derm: Denies. Musculoskeletal: Denies. Injury Description: Laceration sustained to face is clean, 0.5 to 2.5 cm long, not bleeding, was sustained 4-6 hours ago. 11/19 09:38 Method Of Arrival: EMS mkk Vital Signs: 11/19 09:08 BP 131 / 76; Pulse 118; Resp 20; Temp 98.2; Pulse Ox 97%; Weight 11 91.63 kg; Height 5 ft. 10 in. (177.80 cm); 11/19 09:46 mkk 11/19 10:59 BP 124 / 73; Pulse 93; Resp 18; Pulse Ox 100% on R/A; mkk 11/19 12:57 BP 119 / 67; Pulse 97; Resp 19; Pulse Ox 98% on R/A; pt3 11/19 09:08 Body Mass Index 28.98 (91.63 kg, 177.80 cm) 11 11/19 09:46 patient has OCD and had to do his "routines" prior to coming, has mkk been about 4 hours since injury occured Glasgow Coma Score: 11/19 12:16 Eye Response: spontaneous(4). Verbal Response: oriented(5). Motor eeg Response: obeys commands(6). Total: 15. ED Course: 11/19 08:51 Patient arrived in ED. knm 11/19 09:09 Rapid Initial Assessment completed. 11 11/19 09:27 Ekuban-Gordon, Edna, MD is Attending Physician. eea 11/19 09:41 Patient has correct armband on for positive identification. Placed in mkk gown. Bed in low position. Call light in reach. Side rails up X2. Adult with patient. Seizure precautions initiated. NIBP on. Pulse ox on. 11/19 09:41 No physician assisted procedures were completed. mkk 11/19 10:01 Inserted saline lock: 20 gauge right arm blood drawn from IV and sent mkk to lab per order. 11/19 10:08 EKG Done By ED Tech 10:06 Reviewed by Physician Edna Ekuban-Gordon MD.bh 11/19 10:40 Critical Lab Value: Patient Name verified: Brian Hill, Patient DOB

# EXHIBIT PAGE 286 OF 337

Verified May 26, 1990 Critical value glucose 459reported read back to reporting lab personnel, and reported to Dr. Edna Ekuban-Gordon MD. 11/19	
10:59 Assist provider with laceration repair Set up tray.	mkk
11:53 Troncoso, Priscilla, RN is Primary Nurse.	pt3
Administered Medications: 11/19	
10:59 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; 11/19	mkk
12:59 Follow up: Response: No adverse reaction; IV Status: Completed infusion 11/19	pt3
11:02 Drug: NovoLIN R 7 units {Co-Signature: mkk (Michaela Karet RN).} Route: IVP; Site: right arm; 11/19	11
12:58 Follow up: Response: No adverse reaction	pt3
Point of Care Testing: Blood Glucose:	
11/19 09:40 Glucose Value: 489; 11/19	mkk
09:43 Glucose Value: 435; 11/19	mkk
09:40 test repeated Ranges:	mkk
Output:	
11/19 11:28 Urine: 600ml (Voided); Total: 600ml.	dab
Outcome: 11/19	
12:14 Discharge ordered by Provider. 11/19	eeg
12:57 Discharged to home ambulatory, with family. 12:57 Instructions given to patient, parent, Instructed on discharge instructions. follow up and referral plans. Patient and/or family voiced understanding of instructions using teach back method. 12:57 The patients' shirt, pants, shoes, socks and underwear were sent with the patient.	pt3
12:57 Discharge Assessment: Patient 12:57 Discharge Assessment: Patient has no functional deficits. 12:57 Discontinued IV lock intact, bleeding controlled, pressure dressing applied, No redness/swelling at site.	
11/19 13:24 Patient left the ED.	jkp
Signatures: Harrison, Rindi, RN RN ll Ekuban-Gordon, Edna, MD MD eeg	

#### **EXHIBIT PAGE 287 OF 337**

EMERGENCY DEPARTMENT RECORD Physician Documentation Sovah Health Martinsville

Name: Brian Hill

Age: 27 yrs Sex: Male

DOB: 05/26/1990 MRN: MM00370912

Arrival Date: 11/19/2017

Time: 08:51

Account#: MM7805836274

Bed ER 6 Private MD:

ED Physician Ekuban-Gordon, Edna

HPI: 11/19

11:49 This 27 yrs old White Male presents to ER via EMS with complaints of eeg Fall Injury.

11/19

11:49 Onset: The symptoms/episode began/occurred today. Associated injuries: The patient sustained injury to the head. Associated signs and symptoms: Loss of consciousness: the patient experienced no loss of consciousness. Severity of symptoms: in the emergency department the symptoms are unchanged. Pain Management: Patient denies pain. The patient has experienced similar episodes in the past, a few times. The patient has not recently seen a physician. Family report history of low blood sugar, general low will have seizure episode when the blood sugar is low. Blood sugar was obtained by mom at 20 repeat 40 was subsequently given some oral glucose and brought here for further evaluation. Patient denies any headache palpitation no neck pain and stiffness. Admits to feeling like himself..

Historical:

- Allergies: Ranitidine;
- Home Meds:
- 1. Unable to Obtain
- PMHx: OCD; autism; Diabetes IDDM;
- Sepsis Screening:: Sepsis screening negative at this time.
- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient's primary language is English. The patient's preferred language is English.
- Family history:: Reviewed and not pertinent.
- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.
- Suicide Screening:: Have you recently had thoughts about hurting yourself or others? No.
- Tuberculosis screening:: No symptoms or risk factors identified.
- The history from nurses notes was reviewed: and I agree with what is documented up to this point.

ROS:

eeg

11/19

11:52 Eyes: Negative for injury, pain, redness, and discharge, ENT: Negative for injury, pain, and discharge, Neck: Negative for injury, pain, and swelling, Cardiovascular: Negative for chest pain, palpitations, and edema, Respiratory: Negative for shortness of breath, cough, wheezing, and pleuritic chest pain, Abdomen/GI: Negative for abdominal pain, nausea, vomiting, diarrhea, and constipation, Back: Negative for injury and pain, MS/Extremity: Negative for injury and deformity. All other systems are negative, except as documented below. Skin: Positive for laceration(s), of the face. Neuro: Negative for dizziness, headache, weakness. Psych: Negative for depression, alcohol dependence, homicidal ideation, suicide gesture.

eeg

Exam:

11/19

11:53 Eyes: Pupils equal round and reactive to light, extra-ocular motions eeg intact. Lids and lashes normal. Conjunctiva and sclera are non-icteric and not injected. Cornea within normal limits. Periorbital areas with no swelling, redness, or edema. ENT: Nares patent. No nasal discharge, no septal abnormalities noted. Tympanic membranes are normal and external auditory canals are clear. Oropharynx with no redness, swelling, or masses, exudates, or evidence of obstruction, uvula midline. Mucous membrane moist Neck: Trachea midline, no thyromegaly or masses palpated, and no cervical lymphadenopathy. Supple, full range of motion without nuchal rigidity, or vertebral point tenderness. No Meningismus. Chest/axilla: Normal chest wall appearance and motion. Nontender with no deformity. No lesions are appreciated. Cardiovascular: Regular rate and rhythm with a normal S1 and S2. ,no jvd No pulse deficits. Respiratory: Lungs have equal breath sounds bilaterally, clear to auscultation and percussion. No rales, rhonchi or wheezes noted. No increased work of breathing, no retractions or nasal flaring. Abdomen/GI: Soft, non-tender, with normal bowel sounds. No distension or tympany. No guarding or rebound. No evidence of tenderness throughout. Back: No spinal tenderness. No costovertebral tenderness. Full range of motion. MS/ Extremity: Pulses equal, no cyanosis. Neurovascular intact. Full, normal range of motion. Neuro: Awake and alert, GCS 15, oriented to person, place, time, and situation. Cranial nerves II-XII grossly intact. Motor strength 5/5 in all extremities. Sensory grossly intact. Cerebellar exam normal. Normal gait., slow, but appropriate Psych: Awake, alert, with orientation to person, place and time. Behavior, mood, and affect are within normal limits. 11:53 Constitutional: The patient appears alert, awake, non-diaphoretic. 11:53 Head/face: Noted is a laceration(s), that is linear, 3 cm(s). 11:53 Musculoskeletal/extremity: Extremities: all appear grossly normal, with no appreciated pain with palpation, ROM: intact in all extremities, Circulation is intact in all extremities. Sensation intact. 11:53 Psych: Behavior/mood is cooperative.

Vital Signs: 11/19

PAGE: 2

SOVAH HEALTH - MARTINSVILLE 320 HOSPITAL DRIVE - P.O. BOX 4788 MARTINSVILLE, VA 24112 (276)666-7360 CLIA NO. 49D0231853 RT CLIA NO. 4D0661287

RUN DATE:11/23/17

DISCHARGE SUMMARY FOR MEDICAL RECORDS FOR LABORATORY

******	******	******	CHEMISTRY*****	******	******	******
Date Time	11/19/17 1007				Reference	Units
BUN CREATININE eGFR NON-AA	7  1.01  102(A)				(5-25) (0.90-1.30)	MG/DL MG/DL
(A)	Non-African Amer	rican				
eGFR AA	118(B)			1		
(B)	eGFR UNITS: ml/ *eGFR >= 60 = N *eGFR 30-59 = Mc *eGFR 15-29 = Se *eGFR <15 = Er	min/1.73m2.  Jormal GFR of decrate decrate decrate decrassion decr	r mild decrease i ease in GFR (Stag se in GFR (Stage ney failure (Stag	ge 3 CKD) 4 CKD) ge 5 CKD)	VDG OID	
	The equation has	not been va	alidated in patio	ents >70	YRS OLD.	
SODIUM POTASSIUM CHLORIDE CO2 ANION GAP GLUCOSE	131  4.4  96  26  9.0  459(C)	L L *H			(135-145) (3.5-5.0) (98-109) (20-30) (1-10) (65-100)	•
(C)		Y LAPRADE/RI	11/19/17 3/CALLED X 2 SNCE	E 1035		
CALCIUM TOTAL PROTEI ALBUMIN AG GLOBULIN T BILI SGOT/AST SGPT/ALT ALK PHOS TSH	9.0 N   7.8   4.3   1.2   3.5   0.50   27   21   74   1.29				(8.5-10.3) (6.0-8.0) (3.2-5.5) (1.2-1.7) (2.5-3.9) (0.20-1.00) (10-42) (10-60) (42-121) (0.34-5.60)	G/DL G/DL RATIO G/DL MG/DL IU/L IU/L IU/L
			Age/Sex: 27/M		M7805836274	

#### EXHIBIT PAGE 290 OF 337

SOVAH HEALTH - MARTINSVILLE Name: HILL, BRIAN D

RADIOLOGY DEPT

320 HOSPTIAL DR

MARTINSVILLE, VA 24112

PHONE #: 276-666-7223

FAX #: 276-666-7591

Phys: EKUBAN-GORDON, EDNA MD

DOB: 05/26/1990 Age: 27

Sex: M

Acct: MM7805836274 Loc: MM.ER

Exam Date: 11/19/2017 Status: DEP ER

Radiology No:

Unit No: MM00370912

EXAMS:

000898111 CHEST 1 VIEW - PORTABLE

EXAM REASON:

Chest Tightness

PORTABLE CHEST

HISTORY: Seizure.

COMPARISON: 11/10/2015

FINDINGS: The heart size and configuration are within normal limits for age and portable technique. The lungs are clear. There is no evidence of pleural effusions or pneumothorax. No acute bony abnormality.

IMPRESSION: No evidence of acute cardiopulmonary disease.

\*\* Electronically Signed by MAROON B KHOURY on 11/19/2017 at 1424 \*\*

Reported by: DR. MAROON B KHOURY Signed by: KHOURY, MAROON B

CC: EDNA EKUBAN-GORDON MD

Technologist: KYLEA ANN KEATTS

Transcribed Date/Time: 11/19/2017 (1146)

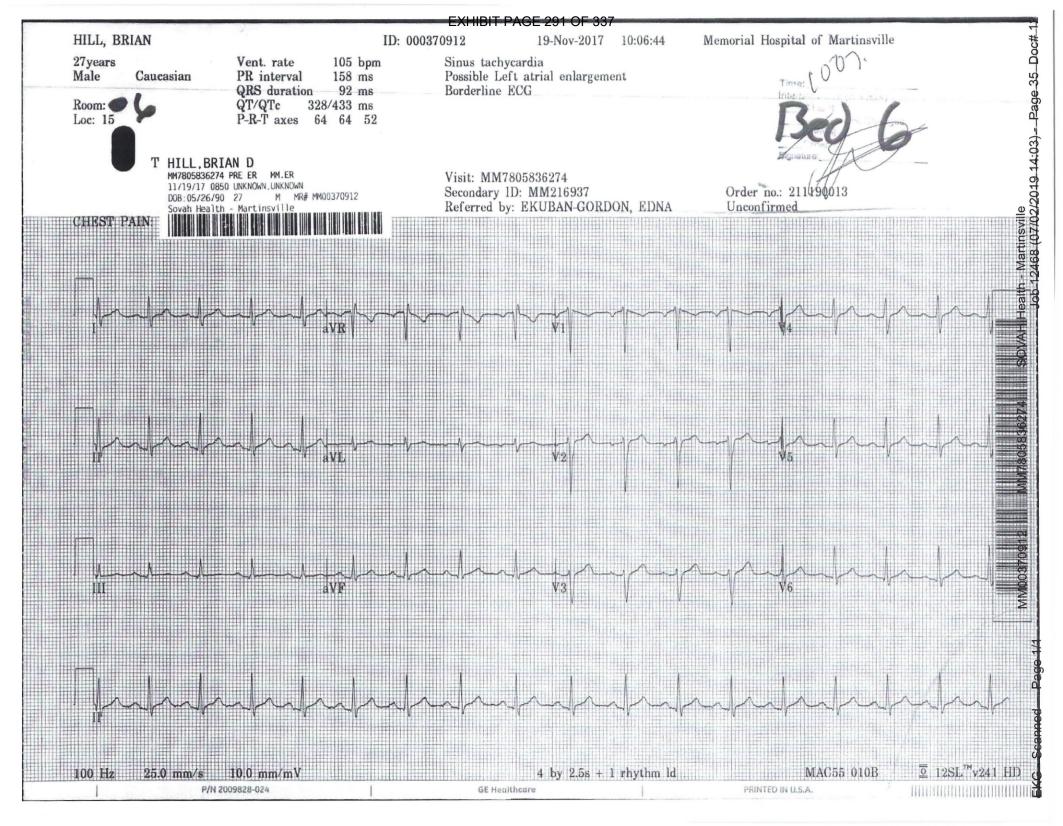
Transcriptionist: MMTRSPSB

Orig Print D/T: S: 11/19/2017 (1424)

BATCH NO: N/A

PAGE 1

Signed Report



SOVAH HEALTH - MARTINSVILLE 320 HOSPITAL DRIVE - P.O. BOX 4788 MARTINSVILLE, VA 24112 (276)666-7360

CLIA NO. 49D0231853 RT CLIA NO. 4D0661287

RUN DATE:11/23/17

DISCHARGE SUMMARY FOR MEDICAL RECORDS FOR LABORATORY

CMAX: MM00370912~MM7805836274~LABDATA~20171123~LABDISMM1001869144~COCMMH~COCVAE~LAB.COCMMH~

PATIENT: HILL, B		MD	AGE/SX:	27/M 05/26/90	ROOM:		U #: MM00370912 REG: 11/19/17 DIS:
******	******	*****	***POINT O	F CARE*****	****	*****	******
Date Time	1006	1/19/17-	0943			Reference	Units
POC GLU	429	H 435		Н		(65-100)	MG/DL
******	*****	*****	****HEMAT(	OLOGY******	****	*****	******
Date Time	11/19/17 1007					Reference	Units
WBC RBC HGB HCT MCV MCH MCH MCHC RDW RDW-SD PLT MPV SEGS % SEG ABSOLUTE LYMPH % LYMPH ABSOLUTE EOS % EOS ABSOLUTE BASO % BASO ABSOLUTE IG % IG ABSOLUTE	11.6   5.32   15.8   46.0   86.5   29.7   34.3   13.1   41.1   241   10.8   84   9.77   10   1.10   6   0.64   0   0.05   0   0.04   0.3   0.0	H H H				(4.5-11.0) (4.50-5.90) (14.0-17.5) (35.0-49.0) (80-96) (27-32) (32-37) (11.5-14.5) (35.1-43.9) (140-440) (7.4-10.4) (37-80) (1.5-6.8) (10-50) (1.0-4.0) (0-12) (0.2-1.0) (0-7) (0.0-0.5) (0-2) (0.0-0.2)	M/UL G/DL % UM3 PG G/DL % fl K/UL fl % K/UL % K/UL % K/UL % K/UL %
Patient: HILL, B	RIAN D		Age/Se:	x: 27/M	Acct#M	M7805836274	Unit#MM0037091

PAGE:1

# EXHIBIT PAGE 293 OF 337

09:08 BP 131 / 76; Pulse 118; Resp 20; Temp 98.2; Pulse Ox 97%; Weight 91.63 kg; Height 5 ft. 10 in. (177.80 cm); 11/19	11
09:46 11/19	mkk
10:59 BP 124 / 73; Pulse 93; Resp 18; Pulse Ox 100% on R/A; 11/19	mkk
12:57 BP 119 / 67; Pulse 97; Resp 19; Pulse Ox 98% on R/A; 11/19	pt3
09:08 Body Mass Index 28.98 (91.63 kg, 177.80 cm) 11/19	11
09:46 patient has OCD and had to do his "routines" prior to coming, has been about 4 hours since injury occured	mkk
Glasgow Coma Score: 11/19	
12:16 Eye Response: spontaneous(4). Verbal Response: oriented(5). Motor Response: obeys commands(6). Total: 15.	eeg
Laceration: 11/19	
12:11 Wound Repair of 3cm (1.2in) subcutaneous laceration to forehead. Linear shaped. No foreign body noted. Distal neuro/vascular/tendon intact. Anesthesia: Wound infiltrated with 3 mls of 1% lidocaine w/ Epi. Wound prep: Simple cleansing with betadine. Skin closed with 6 1-0 Prolene using Staple gun. Dressed with pressure dressing. Patient tolerated well.	eeg
MDM: 11/19 09:27 MSE Initiated by Provider.	eeg
11/19 12:12 Differential diagnosis: abrasion, closed head injury, concussion, contusion, dislocation, fracture, laceration, multiple trauma, sprain, Substance abuse. Data reviewed: vital signs, nurses notes, lab test result(s), radiologic studies. Data interpreted: Cardiac monitor: Normal rate. Counseling: I had a detailed discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the discharge/admit diagnosis, lab results, radiology results, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home. Response to treatment: the patient's symptoms have markedly improved after treatment.	eeg
11/19 09:46 Order name: POC GLU; Complete Time: 09:57	EDMS
11/19 09:56 Order name: CMP; Complete Time: 10:53	eeg
11/19 09:56 Order name: Complete Blood Count W/auto Diff; Complete Time: 10:53	eeg
11/19 09:56 Order name: Thyroid Stimulating Hormone; Complete Time: 10:53 11/19	eeg

#### **EXHIBIT PAGE 294 OF 337**

- 11/19/17 12:14 Discharged to Home. Impression: Head Laceration/ Open wound of head, Hyperglycemia, unspecified.
- Condition is Stable.
- Discharge Instructions: Head Injury, Adult, Facial Laceration, Hyperglycemia, Easy-to-Read, Stitches, Staples, or Adhesive Wound Closure, Easy-to-Read.
- Medication Reconciliation form.
- Follow up: Private Physician; When: 2 3 days; Reason: Wound Recheck.
- Problem is new.
- Symptoms have improved.

```
Order Results:
Lab Order: POC GLU; SPEC'M 11/19/17 09:46
Test: POC GLU; Value: 435; Range: 65-100; Abnormal: Above high
normal; Units: MG/DL; Status: F; Updated: 11/19 09:46
Lab Order: CMP; SPEC'M 11/19/17 10:11
Test: SODIUM; Value: 131; Range: 135-145; Abnormal: Below low normal;
Units: MMOL/L; Status: F; Updated: 11/19 10:24
Test: POTASSIUM; Value: 4.4; Range: 3.5-5.0; Abnormal: ; Units:
MMOL/L; Status: F; Updated: 11/19 10:24
Test: CHLORIDE; Value: 96; Range: 98-109; Abnormal: Below low normal;
Units: MMOL/L; Status: F; Updated: 11/19 10:24
Test: CARBON DIOXIDE; Value: 26; Range: 20-30; Abnormal: ; Units:
MMOL/L; Status: F; Updated: 11/19 10:24
Test: ANION GAP; Value: 9.0; Range: 1-10; Abnormal: ; Status: F;
Updated: 11/19 10:24
Test: CALCIUM; Value: 9.0; Range: 8.5-10.3; Abnormal: ; Units: MG/DL;
Status: F; Updated: 11/19 10:24
Test: BLOOD UREA NITROGEN; Value: 7; Range: 5-25; Abnormal: ; Units:
MG/DL; Status: F; Updated: 11/19 10:34
Test: CREATININE; Value: 1.01; Range: 0.90-1.30; Abnormal: ; Units:
MG/DL; Status: F; Updated: 11/19 10:34
Test: GLOMERULAR FILTRATION RATE; Value: 102; Abnormal: ; Status: F;
Updated: 11/19 10:34
Test Note: 11/19 10:34 T nbsp;; Non-African American
Test: GLOMERULAR FILTRATION RATE-AA; Value: 118; Abnormal: ; Status:
F; Updated: 11/19 10:34
Test Note: 11/19 10:34 T nbsp;; African American. eGFR UNITS:
ml/min/1.73m2. *eGFR >= 60 = Normal GFR or mild decrease in GFR *eGFR
30-59 = Moderate decrease in GFR (Stage 3 CKD) *eGFR 15-29 = Severe
decrease in GFR (Stage 4 CKD) *eGFR <15 = End-stage kidney failure
(Stage 5 CKD) The equation has not been validated in patients >70 YRS
OLD.
Test: TOTAL PROTEIN; Value: 7.8; Range: 6.0-8.0; Abnormal: ; Units:
G/DL; Status: F; Updated: 11/19 10:34
Test: ALBUMIN; Value: 4.3; Range: 3.2-5.5; Abnormal: ; Units: G/DL;
Status: F; Updated: 11/19 10:34
Test: ALB/GLOB RATIO; Value: 1.2; Range: 1.2-1.7; Abnormal: ; Units:
RATIO; Status: F; Updated: 11/19 10:34
Test: GLOBULIN; Value: 3.5; Range: 2.5-3.9; Abnormal: ; Units: G/DL;
```

#### EXHIBIT PAGE 295 OF 337

```
Status: F; Updated: 11/19 10:34
Test: BILIRUBIN, TOTAL; Value: 0.50; Range: 0.20-1.00; Abnormal: ;
Units: MG/DL; Status: F; Updated: 11/19 10:34
Test: SGOT/AST; Value: 27; Range: 10-42; Abnormal: ; Units: IU/L;
Status: F; Updated: 11/19 10:34
Test: SGPT/ALT; Value: 21; Range: 10-60; Abnormal: ; Units: IU/L;
Status: F; Updated: 11/19 10:34
Test: ALKALINE PHOSPHATASE; Value: 74; Range: 42-121; Abnormal: ;
Units: IU/L; Status: F; Updated: 11/19 10:34
Test: GLUCOSE, SERUM; Value: 459; Range: 65-100; Abnormal: Above
upper panic limits; Units: MG/DL; Status: F; Updated: 11/19 10:39
Test Note: 11/19 10:39 T nbsp;; CRITICAL RESULTS CALLED ON 11/19/17 AT
1035 TO: RINDY LAPRADE/RB/CALLED X 2 SNCE 1035 BY: CLIFTON, LYDIA C
Lab Order: Complete Blood Count W/auto Diff; SPEC'M 11/19/17 10:11
Test: WHITE BLOOD CELL; Value: 11.6; Range: 4.5-11.0; Abnormal: Above
high normal; Units: K/UL; Status: F; Updated: 11/19 10:18
Test: RED BLOOD CELL; Value: 5.32; Range: 4.50-5.90; Abnormal: ;
Units: M/UL; Status: F; Updated: 11/19 10:18
Test: HEMOGLOBIN; Value: 15.8; Range: 14.0-17.5; Abnormal: ; Units:
G/DL; Status: F; Updated: 11/19 10:18
Test: HEMATOCRIT; Value: 46.0; Range: 35.0-49.0; Abnormal: ; Units:
%; Status: F; Updated: 11/19 10:18
Test: MEAN CELL VOLUME; Value: 86.5; Range: 80-96; Abnormal: ; Units:
UM3; Status: F; Updated: 11/19 10:18
Test: MCH; Value: 29.7; Range: 27-32; Abnormal: ; Units: PG; Status:
F; Updated: 11/19 10:18
Test: MCHC; Value: 34.3; Range: 32-37; Abnormal: ; Units: G/DL;
Status: F; Updated: 11/19 10:18
Test: RELL CELL DISTRIBUTION WIDTH; Value: 13.1; Range: 11.5-14.5;
Abnormal: ; Units: %; Status: F; Updated: 11/19 10:18
Test: RDW STANDARD DEVIATION; Value: 41.1; Range: 35.1-43.9;
Abnormal: ; Units: fl; Status: F; Updated: 11/19 10:18
Test: PLATELETS; Value: 241; Range: 140-440; Abnormal: ; Units: K/UL;
Status: F; Updated: 11/19 10:18
Test: MEAN PLATELET VOLUME; Value: 10.8; Range: 7.4-10.4; Abnormal:
Above high normal; Units: fl; Status: F; Updated: 11/19 10:18
Test: SEGMENTED NEUTROPHIL PERCENT; Value: 84; Range: 37-80;
Abnormal: Above high normal; Units: %; Status: F; Updated: 11/19 10:18
Test: SEGMENTED NEUTROPHIL ABSOLUTE; Value: 9.77; Range: 1.5-6.8;
Abnormal: Above high normal; Units: K/UL; Status: F; Updated: 11/19
10:18
Test: LYMPHOCYTE PERCENT; Value: 10; Range: 10-50; Abnormal: ; Units:
%; Status: F; Updated: 11/19 10:18
Test: LYMPHOCYTES ABSOLUTE; Value: 1.10; Range: 1.0-4.0; Abnormal: ;
Units: K/UL; Status: F; Updated: 11/19 10:18
Test: MONOCYTE PERCENT; Value: 6; Range: 0-12; Abnormal: ; Units: %;
Status: F; Updated: 11/19 10:18
Test: MONOCYTE ABSOLUTE COUNT; Value: 0.64; Range: 0.2-1.0; Abnormal:
; Units: K/UL; Status: F; Updated: 11/19 10:18
Test: EOSINOPHIL PERCENT; Value: 0; Range: 0-7; Abnormal: ; Units: %;
Status: F; Updated: 11/19 10:18
Test: EOSINOPHIL ABSOLUTE; Value: 0.05; Range: 0.0-0.5; Abnormal: ;
Units: K/UL; Status: F; Updated: 11/19 10:18
Test: BASOPHIL PERCENT; Value: 0; Range: 0-2; Abnormal: ; Units: %;
```

#### EXHIBIT PAGE 296 OF 337

```
Status: F; Updated: 11/19 10:18
Test: BASOPHIL ABSOLUTE; Value: 0.04; Range: 0.0-0.2; Abnormal: ;
Units: K/UL; Status: F; Updated: 11/19 10:18
Test: IMMATURE GRANS PERCENT; Value: 0.3; Abnormal: ; Units: %;
Status: F; Updated: 11/19 10:18
Test: IMMATURE GRANS ABSOLUTE; Value: 0.0; Range: 0.0-0.1; Abnormal:
; Status: F; Updated: 11/19 10:18
Lab Order: Thyroid Stimulating Hormone; SPEC'M 11/19/17 10:11
Test: THYROID STIMULATING HORMONE; Value: 1.29; Range: 0.34-5.60;
Abnormal: ; Units: uIU/ML; Status: F; Updated: 11/19 10:48
Lab Order: POC GLU; SPEC'M 11/19/17 10:13
Test: POC GLU; Value: 429; Range: 65-100; Abnormal: Above high
normal; Units: MG/DL; Status: F; Updated: 11/19 10:13
Radiology Order: Chest 1 View - Portable
Test: Chest 1 View - Portable
SOVAH HEALTH - MARTINSVILLE Name: HILL, BRIAN D ; RADIOLOGY DEPT Phys:
EKUBAN-GORDON, EDNA MD; 320 HOSPTIAL DR DOB: 05/26/1990 Age: 27 Sex:
M ; MARTINSVILLE, VA 24112 Acct: MM7805836274 Loc: MM.ER ; PHONE #:
276-666-7223 Exam Date: 11/19/2017 Status: DEP ER; FAX #:
276-666-7591 Radiology No: ; Unit No: MM00370912 ; EXAMS: EXAM
REASON: ; 000898111 CHEST 1 VIEW - PORTABLE Chest Tightness ;
PORTABLE CHEST; HISTORY: Seizure.; COMPARISON: 11/10/2015;
FINDINGS: The heart size and configuration are within normal limits;
for age and portable technique. The lungs are clear. There is no ;
evidence of pleural effusions or pneumothorax. No acute bony ;
abnormality. ; IMPRESSION: No evidence of acute cardiopulmonary
disease.; ** Electronically Signed by MAROON B KHOURY on 11/19/2017
at 1424 ** ; Reported by: DR. MAROON B KHOURY ; Signed by:
KHOURY, MAROON B ; ; CC: EDNA EKUBAN-GORDON MD ; ; Technologist: KYLEA
ANN KEATTS; Transcribed Date/Time: 11/19/2017 (1146);
Transcriptionist: MMTRSPSB; Orig Print D/T: S: 11/19/2017 (1424);
Reprint D/T: 11/19/2017 (1424) BATCH NO: N/A;
Radiology Order: CT Head w/o Contrast
Test: CT Head w/o Contrast
SOVAH HEALTH - MARTINSVILLE Name: HILL, BRIAN D ; RADIOLOGY DEPT Phys:
EKUBAN-GORDON, EDNA MD; 320 HOSPTIAL DR DOB: 05/26/1990 Age: 27 Sex:
M ; MARTINSVILLE, VA 24112 Acct: MM7805836274 Loc: MM.ER ; PHONE #:
276-666-7223 Exam Date: 11/19/2017 Status: DEP ER; FAX #:
276-666-7591 Radiology No: ; Unit No: MM00370912 ; EXAMS: EXAM
REASON: ; 000898114 CT HEAD W/O CONTRAST ; UNENHANCED HEAD CT ;
HISTORY: Head injury.; COMPARISON: 11/10/2015; TECHNIQUE: This CT
examination was performed using one or more of the ; following dose
reduction techniques: automated exposure control, ; adjustment of the
MA and/or KV according to patient size, and/or use ; of iterative
reconstruction techniques.; Axial CT images were obtained through
the brain without the use of ; intravenous contrast. ; FINDINGS:
There is no evidence of acute infarct, intracranial; hemorrhage, or
mass effect. Ventricles and sulci are normal for the ; patient's age.
Calvarium is intact. Visualized portions of the ; paranasal sinuses
and orbits are normal. ; IMPRESSION: Negative for acute intracranial
process.; ** Electronically Signed by MAROON B KHOURY on 11/19/2017
at 1424 ** ; Reported by: DR. MAROON B KHOURY ; Signed by:
KHOURY, MAROON B ; ; CC: EDNA EKUBAN-GORDON MD ; ; Technologist:
```

HILL, BRIAN D MM7805836274 PRE ER 11/19/17 0850 UNKNOWN, UNKNOWN 008:05/26/90 27 M MR# MM00370912 Martinsville

**Sovah Health Martinsville** 

320 Hospital Drive Martinsville, VA 24112 276-666-7237

n9/67

**Emergency Department** Instructions for:

Hill, Brian D

Arrival Date:

Sunday, November 19, 2017

Thank you for choosing Sovah Health Martinsville for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

Care provided by: Ekuban-Gordon, Edna, MD

Diagnosis: Head Laceration/ Open wound of head: Hyperglycemia, unspecified

DISCHARGE INSTRUCTIONS	FORMS
Head Injury, Adult Facial Laceration Hyperglycemia, Easy-to-Read Stitches, Staples, or Adhesive Wound Closure, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
Private Physician When: 2 - 3 days; Reason: Wound Recheck	None
SPECIAL NOTES	
None	

Suicide National Hotline: 1-800-273-8255 (800-273-TALK)

If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.

I hereby acknowledge that I have received a copy of my transition care record and understand the above instructions and prescriptions.

**Brian Hill** 

MRN # MM00370912

ED Physician or Nurse 11/19/2017 12:14

X-RAYS and LAB TESTS:

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you

Discharge Instructions for: Brian Hill

had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

#### MEDICATIONS:

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

#### **TESTS AND PROCEDURES**

#### Labs

CMP, Complete Blood Count W/auto Diff, Thyroid Stimulating Hormone, POC GLU, POC GLU

#### Rad

CT Head w/o Contrast, Chest 1 View - Portable

#### **Procedures**

Blood Sugar, 12 Lead EKG, Laceration

#### Other

Seizure precautions, Accucheck, Cardiac Monitor, Apply to Pt, Pulse ox continuous, Oxygen at 2 L/NC, IV saline lock, EKG ED, Laceration repair set up

## **Chart Copy**

HILL, BRIAN D
MM7805836274 PRE ER MM.ER
11/19/17 0850 UNKNOWN, UNKNOWN
DOB: 05/26/90 27 M MR# MM00370912
Sovah Health - Martinsville

#### EXHIBIT PAGE 299 OF 337

#### EMERGENCY DEPARTMENT RECORD

Nurse's Notes

Sovah Health Martinsville

Name: Brian Hill

Age: 27 yrs Sex: Male

DOB: 05/26/1990 MRN: MM00370912

Arrival Date: 11/19/2017

Time: 08:51

Account#: MM7805836274

Bed ER 6 Private MD:

Diagnosis: Head Laceration/ Open wound of head; Hyperglycemia, unspecified

#### Presentation:

11/19

09:08 Presenting complaint: Patient states: had a seizure this morning due 11 to low blood sugar, laceration to head per pt, bleeding controlled. Airway is patent with good air movement. The patient is breathing without difficulty. The patient is pink, warm and dry. Heart rate is within normal limits. Patient is alert and oriented to person, place and time, Patient is moving all extremities appropriately. 11/19

09:08 Acuity: Urgent (3)

11

#### Historical:

- Allergies: Ranitidine;
- Home Meds:
- 1. Unable to Obtain
- PMHx: OCD; autism; Diabetes IDDM;
- Sepsis Screening:: Sepsis screening negative at this time.
- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient's primary language is English. The patient's preferred language is English.
- Family history:: Reviewed and not pertinent.
- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.
- Suicide Screening:: Have you recently had thoughts about hurting yourself or others? No.
- Tuberculosis screening:: No symptoms or risk factors identified.

#### Screening:

11/19

09:41 Fall Risk: Total Points: Med. Risk (25-44);. Abuse Screen: Patient mkk verbally denies physical, verbal and emotional abuse/neglect. There are no cultural/spiritual considerations for care for this patient.

## Assessment:

11/19

09:38 Complains of pain in face Pain does not radiate. Pain currently is 7 mkk

#### **EXHIBIT PAGE 300 OF 337**

```
out of 10 on a pain scale. The level of pain that is acceptable is 0
out of 10 on a pain scale. General: Appears in no apparent distress,
comfortable, well developed, well nourished, well groomed, Behavior
is appropriate for age, cooperative, pleasant. Neuro: Reports
headache. Neuro: Reports seizure due to low blood sugar. EENT:
Denies. Cardiovascular: Denies. Respiratory: Denies. GI: Denies. GU:
Denies. Derm: Denies. Musculoskeletal: Denies. Injury Description:
Laceration sustained to face is clean, 0.5 to 2.5 cm long, not
bleeding, was sustained 4-6 hours ago.
11/19
09:38 Method Of Arrival: EMS
                                                                             mkk
Vital Signs:
11/19
09:08 BP 131 / 76; Pulse 118; Resp 20; Temp 98.2; Pulse Ox 97%; Weight
                                                                             11
91.63 kg; Height 5 ft. 10 in. (177.80 cm);
11/19
09:46
                                                                             mkk
11/19
10:59 BP 124 / 73; Pulse 93; Resp 18; Pulse Ox 100% on R/A;
                                                                             mkk
12:57 BP 119 / 67; Pulse 97; Resp 19; Pulse Ox 98% on R/A;
                                                                             pt3
11/19
09:08 Body Mass Index 28.98 (91.63 kg, 177.80 cm)
                                                                             T T
11/19
09:46 patient has OCD and had to do his "routines" prior to coming, has
                                                                             mkk
been about 4 hours since injury occured
Glasgow Coma Score:
11/19
12:16 Eye Response: spontaneous(4). Verbal Response: oriented(5). Motor
                                                                             eeq
Response: obeys commands(6). Total: 15.
ED Course:
11/19
08:51 Patient arrived in ED.
                                                                             knm
11/19
09:09 Rapid Initial Assessment completed.
                                                                             11
11/19
09:27 Ekuban-Gordon, Edna, MD is Attending Physician.
                                                                             eeg
11/19
09:41 Patient has correct armband on for positive identification. Placed in mkk
qown. Bed in low position. Call light in reach. Side rails up X2.
Adult with patient. Seizure precautions initiated. NIBP on. Pulse ox
on.
11/19
09:41 No physician assisted procedures were completed.
                                                                             mkk
11/19
10:01 Inserted saline lock: 20 gauge right arm blood drawn from IV and sent mkk
to lab per order.
11/19
10:08 EKG Done By ED Tech 10:06 Reviewed by Physician Edna Ekuban-Gordon MD.bh
11/19
10:40 Critical Lab Value: Patient Name verified: Brian Hill, Patient DOB
                                                                             11
```

#### **EXHIBIT PAGE 301 OF 337**

```
Verified May 26, 1990 Critical value glucose 459reported read back to
reporting lab personnel, and reported to Dr. Edna Ekuban-Gordon MD.
11/19
10:59 Assist provider with laceration repair Set up tray.
                                                                             mkk
11/19
11:53 Troncoso, Priscilla, RN is Primary Nurse.
                                                                             pt3
Administered Medications:
11/19
10:59 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm;
                                                                             mkk
12:59 Follow up: Response: No adverse reaction; IV Status: Completed
                                                                             pt3
infusion
11/19
11:02 Drug: NovoLIN R 7 units {Co-Signature: mkk (Michaela Karet RN).}
                                                                             11
Route: IVP; Site: right arm;
11/19
12:58 Follow up: Response: No adverse reaction
                                                                             pt3
Point of Care Testing:
Blood Glucose:
11/19
                                                                             mkk
09:40 Glucose Value: 489;
11/19
                                                                             mkk
09:43 Glucose Value: 435;
11/19
                                                                             mkk
09:40 test repeated
Ranges:
Output:
11/19
11:28 Urine: 600ml (Voided); Total: 600ml.
                                                                             dab
Outcome:
11/19
12:14 Discharge ordered by Provider.
                                                                             eeg
11/19
12:57 Discharged to home ambulatory, with family.
                                                                             pt3
12:57 Instructions given to patient, parent, Instructed on discharge
instructions. follow up and referral plans. . Patient and/or family
voiced understanding of instructions using teach back method.
12:57 The patients' shirt, pants, shoes, socks and underwear were sent
with the patient.
12:57 Discharge Assessment: Patient
12:57 Discharge Assessment: Patient has no functional deficits.
12:57 Discontinued IV lock intact, bleeding controlled, pressure dressing
applied, No redness/swelling at site.
11/19
13:24 Patient left the ED.
                                                                             jkp
Signatures:
                                             11
Harrison, Rindi, RN
                                        RN
Ekuban-Gordon, Edna, MD
                                        MD
                                             eeg
```

#### **EXHIBIT PAGE 302 OF 337**

EMERGENCY DEPARTMENT RECORD Physician Documentation Sovah Health Martinsville

Name: Brian Hill

Age: 27 yrs Sex: Male

DOB: 05/26/1990 MRN: MM00370912

Arrival Date: 11/19/2017

Time: 08:51

Account#: MM7805836274

Bed ER 6
Private MD:

ED Physician Ekuban-Gordon, Edna

HPI: 11/19

11:49 This 27 yrs old White Male presents to ER via EMS with complaints of eeg Fall Injury.

11/19

11:49 Onset: The symptoms/episode began/occurred today. Associated injuries: The patient sustained injury to the head. Associated signs and symptoms: Loss of consciousness: the patient experienced no loss of consciousness. Severity of symptoms: in the emergency department the symptoms are unchanged. Pain Management: Patient denies pain. The patient has experienced similar episodes in the past, a few times. The patient has not recently seen a physician. Family report history of low blood sugar, general low will have seizure episode when the blood sugar is low. Blood sugar was obtained by mom at 20 repeat 40 was subsequently given some oral glucose and brought here for further evaluation. Patient denies any headache palpitation no neck pain and stiffness. Admits to feeling like himself..

eeg

#### Historical:

- Allergies: Ranitídine;
- Home Meds:
- 1. Unable to Obtain
- PMHx: OCD; autism; Diabetes IDDM;
- Sepsis Screening:: Sepsis screening negative at this time.
- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient's primary language is English. The patient's preferred language is English.
- Family history:: Reviewed and not pertinent.
- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.
- Suicide Screening:: Have you recently had thoughts about hurting yourself or others? No.
- Tuberculosis screening:: No symptoms or risk factors identified.
- The history from nurses notes was reviewed: and I agree with what is documented up to this point.

ROS:

11/19

11:52 Eyes: Negative for injury, pain, redness, and discharge, ENT: Negative for injury, pain, and discharge, Neck: Negative for injury, pain, and swelling, Cardiovascular: Negative for chest pain, palpitations, and edema, Respiratory: Negative for shortness of breath, cough, wheezing, and pleuritic chest pain, Abdomen/GI: Negative for abdominal pain, nausea, vomiting, diarrhea, and constipation, Back: Negative for injury and pain, MS/Extremity: Negative for injury and deformity. All other systems are negative, except as documented below. Skin: Positive for laceration(s), of the face. Neuro: Negative for dizziness, headache, weakness. Psych: Negative for depression, alcohol dependence, homicidal ideation, suicide gesture.

Exam:

11/19

11:53 Eyes: Pupils equal round and reactive to light, extra-ocular motions eeg intact. Lids and lashes normal. Conjunctiva and sclera are non-icteric and not injected. Cornea within normal limits. Periorbital areas with no swelling, redness, or edema. ENT: Nares patent. No nasal discharge, no septal abnormalities noted. Tympanic membranes are normal and external auditory canals are clear. Oropharynx with no redness, swelling, or masses, exudates, or evidence of obstruction, uvula midline. Mucous membrane moist Neck: Trachea midline, no thyromegaly or masses palpated, and no cervical lymphadenopathy. Supple, full range of motion without nuchal rigidity, or vertebral point tenderness. No Meningismus. Chest/axilla: Normal chest wall appearance and motion. Nontender with no deformity. No lesions are appreciated. Cardiovascular: Regular rate and rhythm with a normal S1 and S2. ,no jvd No pulse deficits. Respiratory: Lungs have equal breath sounds bilaterally, clear to auscultation and percussion. No rales, rhonchi or wheezes noted. No increased work of breathing, no retractions or nasal flaring. Abdomen/GI: Soft, non-tender, with normal bowel sounds. distension or tympany. No guarding or rebound. No evidence of tenderness throughout. Back: No spinal tenderness. No costovertebral tenderness. Full range of motion. MS/ Extremity: Pulses equal, no cyanosis. Neurovascular intact. Full, normal range of motion. Neuro: Awake and alert, GCS 15, oriented to person, place, time, and situation. Cranial nerves II-XII grossly intact. Motor strength 5/5 in all extremities. Sensory grossly intact. Cerebellar exam normal. Normal gait., slow, but appropriate Psych: Awake, alert, with orientation to person, place and time. Behavior, mood, and affect are within normal limits. 11:53 Constitutional: The patient appears alert, awake, non-diaphoretic. 11:53 Head/face: Noted is a laceration(s), that is linear, 3 cm(s). 11:53 Musculoskeletal/extremity: Extremities: all appear grossly normal, with no appreciated pain with palpation, ROM: intact in all extremities, Circulation is intact in all extremities. Sensation intact. 11:53 Psych: Behavior/mood is cooperative.

Vital Signs: 11/19

eeq

PAGE: 2

SOVAH HEALTH - MARTINSVILLE 320 HOSPITAL DRIVE - P.O. BOX 4788 MARTINSVILLE, VA 24112 (276)666-7360 CLIA NO. 49D0231853 RT CLIA NO. 4D0661287

RUN DATE:11/23/17

DISCHARGE SUMMARY FOR MEDICAL RECORDS FOR LABORATORY

	LL,BRIAN D		#MM7805836274	(Cont	inued)	
*****	*****	*****	CHEMISTRY*****	****	*****	****
Date Time	11/19/17 1007				Reference	Units
BUN CREATININE eGFR NON-AA	7  1.01  102(A)				(5-25) (0.90-1.30)	MG/DL MG/DL
(A)	Non-African Amer	rican				
eGFR AA	118(B)		1			
(B)	eGFR UNITS: ml/ *eGFR >= 60 = N *eGFR 30-59 = Mc *eGFR 15-29 = Se *eGFR <15 = Er	min/1.73m2.  Jormal GFR of decrete decres  evere decreased-stage kids	r mild decrease i ease in GFR (Stag se in GFR (Stage ney failure (Stag	re 3 CKD) 4 CKD) re 5 CKD)	YRS OLD.	
SODIUM POTASSIUM CHLORIDE CO2 ANION GAP GLUCOSE	131 4.4 96 26 9.0 459(C)	L L *H			(135-145) (3.5-5.0) (98-109) (20-30) (1-10) (65-100)	
(C)		Y LAPRADE/R	11/19/17 3/CALLED X 2 SNCE	2 1035		
CALCIUM TOTAL PROTE: ALBUMIN AG GLOBULIN T BILI SGOT/AST	9.0 7.8 4.3 1.2 3.5 0.50 27 21 74			The second secon	(8.5-10.3) (6.0-8.0) (3.2-5.5) (1.2-1.7) (2.5-3.9) (0.20-1.00) (10-42) (10-60) (42-121) (0.34-5.60)	G/DL

#### **EXHIBIT PAGE 305 OF 337**

SOVAH HEALTH - MARTINSVILLE

RADIOLOGY DEPT 320 HOSPTIAL DR

MARTINSVILLE, VA 24112 PHONE #: 276-666-7223

FAX #: 276-666-7591

Name: HILL, BRIAN D

Phys: EKUBAN-GORDON, EDNA MD

DOB: 05/26/1990 Age: 27 Sex: M

Acct: MM7805836274 Loc: MM.ER

Exam Date: 11/19/2017 Status: DEP ER

Radiology No: Unit No: MM00370912

EXAMS:

EXAM REASON:

000898111 CHEST 1 VIEW - PORTABLE Chest Tightness

PORTABLE CHEST

HISTORY: Seizure.

COMPARISON: 11/10/2015

FINDINGS: The heart size and configuration are within normal limits for age and portable technique. The lungs are clear. There is no evidence of pleural effusions or pneumothorax. No acute bony abnormality.

IMPRESSION: No evidence of acute cardiopulmonary disease.

\*\* Electronically Signed by MAROON B KHOURY on 11/19/2017 at 1424 \*\*

Reported by: DR. MAROON B KHOURY Signed by: KHOURY, MAROON B

CC: EDNA EKUBAN-GORDON MD

Technologist: KYLEA ANN KEATTS

Transcribed Date/Time: 11/19/2017 (1146)

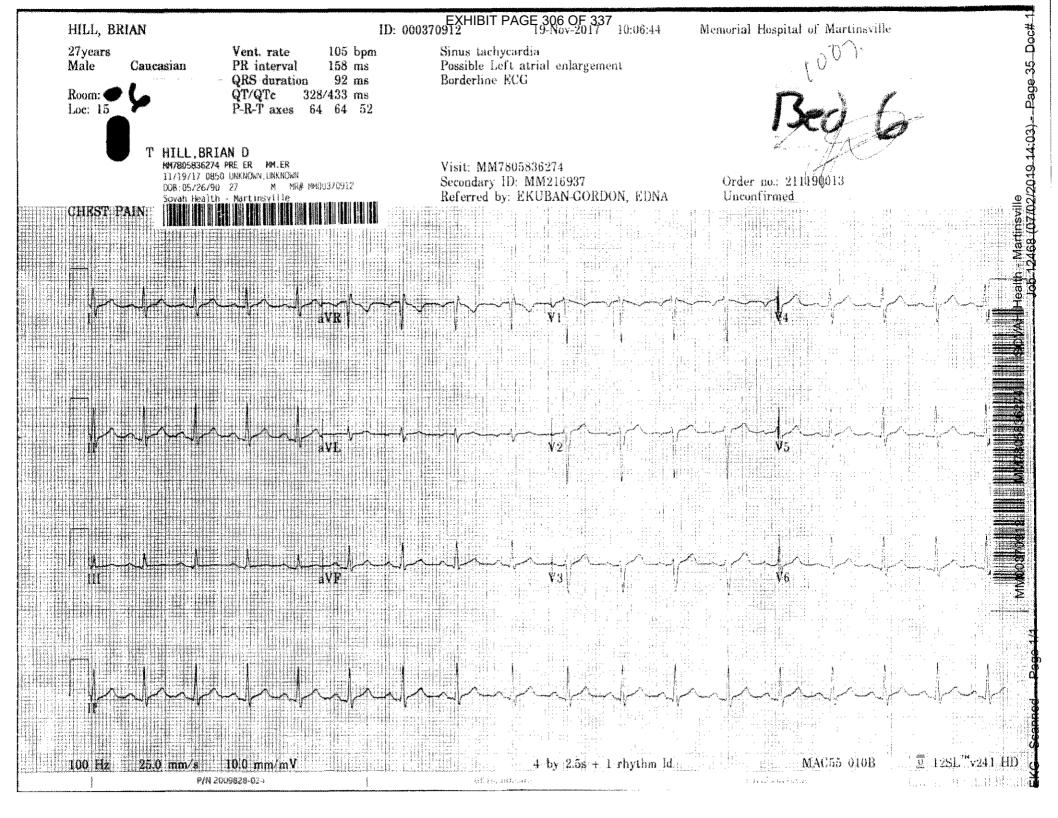
Transcriptionist: MMTRSPSB

Orig Print D/T: S: 11/19/2017 (1424)

BATCH NO: N/A

PAGE 1

Signed Report



SOVAH HEALTH - MARTINSVILLE PAGE:1

320 HOSPITAL DRIVE - P.O. BOX 4788 MARTINSVILLE, VA 24112 (276)666-7360 CLIA NO. 49D0231853 RT CLIA NO. 4D0661287

RUN DATE:11/23/17

DISCHARGE SUMMARY FOR MEDICAL RECORDS FOR LABORATORY

CMAX: MM00370912~MM7805836274~LABDATA~20171123~LABDISMM1001869144~COCMMH~COCVAE~LAB.COCMMH~

# EXHIBIT PAGE 308 OF 337

09:08 BP 131 / 76; Pulse 118; Resp 20; Temp 98.2; Pulse Ox 97%; Weight 91.63 kg; Height 5 ft. 10 in. (177.80 cm); 11/19	11
09:46 11/19	mkk
10:59 BP 124 / 73; Pulse 93; Resp 18; Pulse Ox 100% on R/A;	mkk
11/19 12:57 BP 119 / 67; Pulse 97; Resp 19; Pulse Ox 98% on R/A;	pt3
11/19 09:08 Body Mass Index 28.98 (91.63 kg, 177.80 cm)	
11/19 09:46 patient has OCD and had to do his "routines" prior to coming, has been about 4 hours since injury occured	mkk
Glasgow Coma Score:	
11/19 12:16 Eye Response: spontaneous(4). Verbal Response: oriented(5). Motor Response: obeys commands(6). Total: 15.	eeg
Laceration:	
11/19 12:11 Wound Repair of 3cm ( 1.2in ) subcutaneous laceration to forehead. Linear shaped. No foreign body noted. Distal neuro/vascular/tendon intact. Anesthesia: Wound infiltrated with 3 mls of 1% lidocaine w/ Epi. Wound prep: Simple cleansing with betadine. Skin closed with 6 1-0 Prolene using Staple gun. Dressed with pressure dressing. Patient tolerated well.	eeg
MDM: 11/19 09:27 MSE Initiated by Provider.	eeg
11/19 12:12 Differential diagnosis: abrasion, closed head injury, concussion, contusion, dislocation, fracture, laceration, multiple trauma, sprain, Substance abuse. Data reviewed: vital signs, nurses notes, lab test result(s), radiologic studies. Data interpreted: Cardiac	eeg
monitor: Normal rate. Counseling: I had a detailed discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the discharge/admit diagnosis, lab results, radiology results, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home. Response to treatment: the patient's symptoms have markedly improved after treatment.	
monitor: Normal rate. Counseling: I had a detailed discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the discharge/admit diagnosis, lab results, radiology results, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home. Response to treatment: the patient's symptoms have markedly improved after treatment.	EDMS
monitor: Normal rate. Counseling: I had a detailed discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the discharge/admit diagnosis, lab results, radiology results, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home. Response to treatment: the patient's symptoms have markedly improved after treatment.	EDMS eeg
monitor: Normal rate. Counseling: I had a detailed discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the discharge/admit diagnosis, lab results, radiology results, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home. Response to treatment: the patient's symptoms have markedly improved after treatment.  11/19 09:46 Order name: POC GLU; Complete Time: 09:57 11/19	

#### EXHIBIT PAGE 309 OF 337

```
11/19/17 12:14 Discharged to Home. Impression: Head Laceration/ Open wound
of head, Hyperglycemia, unspecified.
- Condition is Stable.
- Discharge Instructions: Head Injury, Adult, Facial Laceration,
Hyperglycemia, Easy-to-Read, Stitches, Staples, or Adhesive Wound
Closure, Easy-to-Read.
- Medication Reconciliation form.
- Follow up: Private Physician; When: 2 - 3 days; Reason: Wound
Recheck.
- Problem is new.
- Symptoms have improved.
Order Results:
Lab Order: POC GLU; SPEC'M 11/19/17 09:46
```

#### EXHIBIT PAGE 310 OF 337

```
Status: F; Updated: 11/19 10:34
Test: BILIRUBIN, TOTAL; Value: 0.50; Range: 0.20-1.00; Abnormal: ;
Units: MG/DL; Status: F; Updated: 11/19 10:34
Test: SGOT/AST; Value: 27; Range: 10-42; Abnormal: ; Units: IU/L;
Status: F; Updated: 11/19 10:34
Test: SGPT/ALT; Value: 21; Range: 10-60; Abnormal: ; Units: IU/L;
Status: F; Updated: 11/19 10:34
Test: ALKALINE PHOSPHATASE; Value: 74; Range: 42-121; Abnormal: ;
Units: IU/L; Status: F; Updated: 11/19 10:34
Test: GLUCOSE, SERUM; Value: 459; Range: 65-100; Abnormal: Above
upper panic limits; Units: MG/DL; Status: F; Updated: 11/19 10:39
Test Note: 11/19 10:39 T nbsp;; CRITICAL RESULTS CALLED ON 11/19/17 AT
1035 TO: RINDY LAPRADE/RB/CALLED X 2 SNCE 1035 BY: CLIFTON, LYDIA C
Lab Order: Complete Blood Count W/auto Diff: SPEC'M 11/19/17 10:11
Test: WHITE BLOOD CELL; Value: 11.6; Range: 4.5-11.0; Abnormal: Above
high normal; Units: K/UL; Status: F; Updated: 11/19 10:18
Test: RED BLOOD CELL; Value: 5.32; Range: 4.50-5.90; Abnormal: ;
Units: M/UL; Status: F; Updated: 11/19 10:18
Test: HEMOGLOBIN; Value: 15.8; Range: 14.0-17.5; Abnormal: ; Units:
G/DL; Status: F; Updated: 11/19 10:18
Test: HEMATOCRIT; Value: 46.0; Range: 35.0-49.0; Abnormal: ; Units:
%; Status: F; Updated: 11/19 10:18
Test: MEAN CELL VOLUME; Value: 86.5; Range: 80-96; Abnormal: ; Units:
UM3; Status: F; Updated: 11/19 10:18
Test: MCH; Value: 29.7; Range: 27-32; Abnormal: ; Units: PG; Status:
F; Updated: 11/19 10:18
Test: MCHC; Value: 34.3; Range: 32-37; Abnormal: ; Units: G/DL;
Status: F; Updated: 11/19 10:18
Test: RELL CELL DISTRIBUTION WIDTH; Value: 13.1; Range: 11.5-14.5;
Abnormal: ; Units: %; Status: F; Updated: 11/19 10:18
Test: RDW STANDARD DEVIATION; Value: 41.1; Range: 35.1-43.9;
Abnormal: ; Units: fl; Status: F; Updated: 11/19 10:18
Test: PLATELETS; Value: 241; Range: 140-440; Abnormal: ; Units: K/UL;
Status: F; Updated: 11/19 10:18
Test: MEAN PLATELET VOLUME; Value: 10.8; Range: 7.4-10.4; Abnormal:
Above high normal; Units: fl; Status: F; Updated: 11/19 10:18
Test: SEGMENTED NEUTROPHIL PERCENT; Value: 84; Range: 37-80;
Abnormal: Above high normal; Units: %; Status: F; Updated: 11/19 10:18
Test: SEGMENTED NEUTROPHIL ABSOLUTE; Value: 9.77; Range: 1.5-6.8;
Abnormal: Above high normal; Units: K/UL; Status: F; Updated: 11/19
10:18
Test: LYMPHOCYTE PERCENT; Value: 10; Range: 10-50; Abnormal: ; Units:
%; Status: F; Updated: 11/19 10:18
Test: LYMPHOCYTES ABSOLUTE; Value: 1.10; Range: 1.0-4.0; Abnormal: ;
Units: K/UL; Status: F; Updated: 11/19 10:18
Test: MONOCYTE PERCENT; Value: 6; Range: 0-12; Abnormal: ; Units: %;
Status: F; Updated: 11/19 10:18
Test: MONOCYTE ABSOLUTE COUNT; Value: 0.64; Range: 0.2-1.0; Abnormal:
; Units: K/UL; Status: F; Updated: 11/19 10:18
Test: EOSINOPHIL PERCENT; Value: 0; Range: 0-7; Abnormal: ; Units: %;
Status: F; Updated: 11/19 10:18
Test: EOSINOPHIL ABSOLUTE; Value: 0.05; Range: 0.0-0.5; Abnormal: ;
Units: K/UL; Status: F; Updated: 11/19 10:18
Test: BASOPHIL PERCENT; Value: 0; Range: 0-2; Abnormal: ; Units: %;
```

#### **EXHIBIT PAGE 311 OF 337**

```
Status: F; Updated: 11/19 10:18
Test: BASOPHIL ABSOLUTE; Value: 0.04; Range: 0.0-0.2; Abnormal: ;
Units: K/UL; Status: F; Updated: 11/19 10:18
Test: IMMATURE GRANS PERCENT; Value: 0.3; Abnormal: ; Units: %;
Status: F; Updated: 11/19 10:18
Test: IMMATURE GRANS ABSOLUTE; Value: 0.0; Range: 0.0-0.1; Abnormal:
; Status: F; Updated: 11/19 10:18
Lab Order: Thyroid Stimulating Hormone; SPEC'M 11/19/17 10:11
Test: THYROID STIMULATING HORMONE; Value: 1.29; Range: 0.34-5.60;
Abnormal: ; Units: uIU/ML; Status: F; Updated: 11/19 10:48
Lab Order: POC GLU; SPEC'M 11/19/17 10:13
Test: POC GLU; Value: 429; Range: 65-100; Abnormal: Above high
normal; Units: MG/DL; Status: F; Updated: 11/19 10:13
Radiology Order: Chest 1 View - Portable
Test: Chest 1 View - Portable
SOVAH HEALTH - MARTINSVILLE Name: HILL, BRIAN D ; RADIOLOGY DEPT Phys:
EKUBAN-GORDON, EDNA MD ; 320 HOSPTIAL DR DOB: 05/26/1990 Age: 27 Sex:
M ; MARTINSVILLE, VA 24112 Acct: MM7805836274 Loc: MM.ER ; PHONE #:
276-666-7223 Exam Date: 11/19/2017 Status: DEP ER ; FAX #:
276-666-7591 Radiology No: ; Unit No: MM00370912 ; EXAMS: EXAM
REASON: ; 000898111 CHEST 1 VIEW - PORTABLE Chest Tightness ;
PORTABLE CHEST; HISTORY: Seizure.; COMPARISON: 11/10/2015;
FINDINGS: The heart size and configuration are within normal limits;
for age and portable technique. The lungs are clear. There is no ;
evidence of pleural effusions or pneumothorax. No acute bony;
abnormality.; IMPRESSION: No evidence of acute cardiopulmonary
disease.; ** Electronically Signed by MAROON B KHOURY on 11/19/2017
at 1424 ** ; Reported by: DR. MAROON B KHOURY ; Signed by:
KHOURY, MAROON B; ; CC: EDNA EKUBAN-GORDON MD; ; Technologist: KYLEA
ANN KEATTS; Transcribed Date/Time: 11/19/2017 (1146);
Transcriptionist: MMTRSPSB; Orig Print D/T: S: 11/19/2017 (1424);
Reprint D/T: 11/19/2017 (1424) BATCH NO: N/A;
Radiology Order: CT Head w/o Contrast
Test: CT Head w/o Contrast
SOVAH HEALTH - MARTINSVILLE Name: HILL, BRIAN D ; RADIOLOGY DEPT Phys:
EKUBAN-GORDON, EDNA MD ; 320 HOSPTIAL DR DOB: 05/26/1990 Age: 27 Sex:
M ; MARTINSVILLE, VA 24112 Acct: MM7805836274 Loc: MM.ER ; PHONE #:
276-666-7223 Exam Date: 11/19/2017 Status: DEP ER; FAX #:
276-666-7591 Radiology No: ; Unit No: MM00370912 ; EXAMS: EXAM
REASON: ; 000898114 CT HEAD W/O CONTRAST ; UNENHANCED HEAD CT ;
HISTORY: Head injury. ; COMPARISON: 11/10/2015 ; TECHNIQUE: This CT
examination was performed using one or more of the ; following dose
reduction techniques: automated exposure control, ; adjustment of the
MA and/or KV according to patient size, and/or use ; of iterative
reconstruction techniques. ; Axial CT images were obtained through
the brain without the use of ; intravenous contrast. ; FINDINGS:
There is no evidence of acute infarct, intracranial; hemorrhage, or
mass effect. Ventricles and sulci are normal for the ; patient's age.
Calvarium is intact. Visualized portions of the ; paranasal sinuses
and orbits are normal. ; IMPRESSION: Negative for acute intracranial
process.; ** Electronically Signed by MAROON B KHOURY on 11/19/2017
at 1424 **; Reported by: DR. MAROON B KHOURY; Signed by:
KHOURY, MAROON B ; ; CC: EDNA EKUBAN-GORDON MD ; ; Technologist:
```

# **EXHIBIT 24**

attached to: "MOTION FOR SET ASIDE OR
RELIEVE DEFENDANT OF JUDGMENT OF
CONVICTION OF CRIMINAL CHARGE
PURSUANT TO VIRGINIA CODE § 8.01-428(D),
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA
CODE § 8.01-428(B) ON THE BASIS OF FRAUD
UPON THE COURT, CLERICAL FACTUAL
ERRORS"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News JUSTICEFORUSWGO.WORDPRESS.COM





ROANOKE ENDOCRINOLOGY CCR3 3 RIVERSIDE CIRCLE Hill, Brian David

MRN: 7244793, DOB: 5/26/1990, Sex: M

Visit date: 12/22/2017

## Reviewed by List

Balakrishnan, Shyam E, MD on 1/15/2018 18:06

Results

CBC WITH AUTO DIFF (CBCD) (Order 368602037)

CBC WITH AUTO DIFF (CBCD) [368602037] (Abnormal)

Resulted: 07/31/18 1210, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Resulting lab: GENESYS MARTINSVILLE

Specimen Information

Туре		Collected On	***********
Blood, Venous	_	07/31/18 1122	

#### Components

Component	Value	Reference Range	Flag	Lab
WBC	8.0	4.8 - 10.8 x10		gen martinsvi
RBC	5.53	4.50 - 5.30 x10	H	gen martinsvi
Hemoglobin	16.3	13.0 - 16.0 G/DL	H	gen martinsvi
Hematocrit	49.1	37.0 - 49.0 %	H	gen martinsvi
MCV	89	78 - 98 fL	<del></del>	gen martinsvi
MCH	29.5	27.0 - 34.6 pg	<del></del>	gen martinsvi
MCHC	33.2	33.0 - 37.0 g/dL	<del></del>	gen martinsvi
RDW	12.3	11.5 - 14.5 %		gen martinsvi
Platelet Count	235	130 - 400 x10		gen martinsvi
MPV	8.9	7.4 - 10.4 fL	<del></del>	gen martinsvi
Seg	65.5	42.0 - 75.0 %	<del></del>	gen martinsvi
Lymph	20.9	21.0 - 51.0 %	F	gen martinsvi
Monos	11.4	2.0 - 13.0 %	<del></del>	gen martinsvi
Eos	1.6	0.0 - 10.0 %		gen martinsvi
Baso	0.6	0.0 - 2.0 %	_	gen martinsvi
Absolute Neut	5.30	1.80 - 7.70 x10		gen martinsvi
Absolute Lymph	1.70	1.00 - 5.00 x10		gen martinsvi
Absolute Mono	0.90	0.00 - 0.80 x10	H	gen martinsvi
Absolute Eos	0.10	0.00 - 0.70 X 10		gen martinsvi
Absolute Basophils	0.00	0.00 - 0.20 X10		gen martinsvi

#### **Testing Performed By**

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS	Unknown	1107 A Brookdale St	09/14/10 1517 - Present
	MARTINSVILLE		Martinsville VA 24112	

### Reviewed by List

Balakrishnan, Shyam E, MD on 8/1/2018 10:31

Results

COMPREHENSIVE METABOLIC PANEL(COMP) (Order 368602038)

COMPREHENSIVE METABOLIC PANEL(COMP) [368602038] (Abnormal)

Resulted: 07/31/18 1210, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110

Specimen Information

Resulting lab: GENESYS MARTINSVILLE



MARTINSVILLE FP IM 1107A BROOKDALE STREET Hill, Brian David

MRN: 7244793, DOB: 5/26/1990, Sex: M

Visit date: 7/31/2018

Annual Control of the		
Type	Source	Collected On
Blood, Venous		07/31/18 1122

### Components

Component	Value	Reference Range	Flag	Lab
Sodium	137	135 - 145 mmol/L		gen martinsvi
Potassium	4.4	3.5 - 5.3 mmol/L	_	gen martinsvi
Chloride	101	98 - 110 mmol/L		gen martinsvi
CO2	29	21 - 31 mmol/L		gen martinsvi
Urea Nitrogen	10	7.0 - 22.0 mg/dL		gen martinsvi
Creatinine	1.02	0.50 - 1.40 mg/dL		gen martinsvi
Glom Filt Rate, Estimated	87	>60		gen martinsvi
Glucose, Bld	237	70 - 99 mg/dL	Н	gen martinsvi
Total Protein	7.1	6.0 - 8.3 g/dL		gen martinsvi
Albumin	4.0	3.2 - 5.5 g/dl		gen martinsvi
Calcium	9.2	8.5 - 10.7 mg/dL		gen martinsvi
Total Bilirubin	0.5	0.0 - 1.3 mg/dL		gen martinsvi
Alkaline Phosphatase, Serum	77	42 - 121 IU/L		gen martinsvi
AST	18	15 - 45 IU/L		gen martinsvi
ALT	18	10 - 60 IU/L	· · · · · · · · · · · · · · · · · · ·	gen martinsvi
Globulin	3.1	g/dl		gen martinsvi
A/G Ratio	1.3			gen martinsvi
Anion Gap	11.4	mmol/L		gen martinsvi
Osmolality	280.56	mmol/L		gen martinsvi
Bun/Creatinine	9.80	RATIO		gen martinsvi

### **Testing Performed By**

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS	Unknown	1107 A Brookdale St	09/14/10 1517 - Present
	MARTINSVILLE		Martinsville VA 24112	

#### Reviewed by List

Balakrishnan, Shyam E, MD on 8/1/2018 10:31

## Results

HEMOGLOBIN A1C(HA1C) (Order 368602039)

HEMOGLOBIN A1C(HA1C) [368602039] (Abnormal)	Resulted: 07/31/18 1149, Result status: Final result

Ordering provider: Balakrishnan, Shyam E, MD 07/31/18 1110 Re

Resulting lab: GENESYS MARTINSVILLE

Specimen Information

Assert Street Committee Street	CONTROL CONTRO		
Туре	Source	Collected On	
Blood, Venous		07/31/18 1122	

### Components

Component	Value	Reference Range	Flag	Lab
Hemoglobin A1C	9.1	3.8 - 5.9 %	Н	gen martinsvi

# Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
212 - gen martinsvi	GENESYS	Unknown	1107 A Brookdale St	09/14/10 1517 - Present
	MARTINSVILLE		Martinsville VA 24112	

## Reviewed by List

Balakrishnan, Shyam E, MD on 8/1/2018 10:31 Balakrishnan, Shyam E, MD on 7/31/2018 11:50

## EXHIBIT PAGE 315 OF 337



MARTINSVILLE FP IM 1107A BROOKDALE STREET Hill, Brian David

MRN: 7244793, DOB: 5/26/1990, Sex: M

Visit date: 7/31/2018

# **END OF REPORT**

# **EXHIBIT 25**

attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS" by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of

Ally of Q, Former news reporter of USWGO Alternative News

Martinsville, Virginia



# VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,	)
CITY OF MARTINSVILLE,	CASE NO: CR19000009-00
PLAINTIFF(s),	) <u>DECLARATION OF BRIAN DAVID HILL IN</u>
<b>v.</b>	SUPPORT OF MOTION FOR SET ASIDE OR
	RELIEVE DEFENDANT OF JUDGMENT OF
	CONVICTION OF CRIMINAL CHARGE PURSUANT
	TO VIRGINIA CODE § 8.01-428(D), VIRGINIA
BRIAN DAVID HILL,	ODE § 8.01-428(A) AND VIRGINIA CODE § 8.01
	428(B) ON THE BASIS OF FRAUD UPON THE
DEFENDANT.	COURT, CLERICAL FACTUAL ERRORS

DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF MOTION FOR SET ASIDE OR
RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE
PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND
VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT,
CLERICAL FACTUAL ERRORS

Respectfully submitted with the Court,

This the 25th day of January, 2023.

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2 Martinsville, Virginia 24112 (276) 790-3505

rewco

eForUSWGO wordpress com

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



Pursuant to the Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty.", criminal defendant Brian David Hill hereby state as follows to the Circuit Court for the City of Martinsville under penalty of perjury,

- 1. I am Brian David Hill, criminal defendant in this case. I am a party to this litigation. CASE NO: CR19000009-00.
- 2. I had written a letter to the Martinsville Police Department for requesting the discovery material of the body-camera footage (See **EXHIBIT PAGE 235 OF** 337, in EXHIBIT 15) which is evidence subject to discovery as ordered by both the General District Court (See **EXHIBIT PAGE 273-274 OF 337**, in **EXHIBIT 22**) and as ordered two different times from the Circuit Court (See EXHIBIT PAGE 275-280 OF 337, in EXHIBIT 22) as shown in EXHIBIT 22. I had access to a photocopying machine in the Federal Correctional Institution 1 which is a federal prison at the time I had mailed that letter to Martinsville Police Department, because during my federal court ordered mental evaluation, I was detained at the Federal Correctional Institution 1 in Butner, North Carolina. That federal prison allowed me to have access to a photocopying machine for legal paper copying reasons as well as access to a law library which unfortunately did not have Virginia statutes and neither of Virginia case law. I said in a photocopy of that exact written letter (EXHIBIT PAGE 235): "Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville

Police Department between the times of 3:00AM and 4:00AM, September 21, 2018".

- 3. In 2019, when I was detained at the Federal Correctional Institution 1 in Butner, North Carolina pursuant to a court ordered mental evaluation, I had also written and kept at the time a "Mailing Log 2019 U.S.W.G.O. Brian David Hill #29947-057". That was to keep a written record of every legal mailing I had mailed from the FCI-1 Butner prison facility. The record in pages **EXHIBIT PAGE 232-233 OF 337**, in **EXHIBIT 22**, is only two pages of more pages of mailing logs I had when I was in federal detention at the time I was in the mental evaluation process, but only those two pages are needed by me to prove to the Circuit Court for the City of Martinsville that I had mailed a letter which asked for the body-camera footage multiple times.
- 4. In the Mailing Log, Entry "#4" said "2pg", "Chief of Police, Police of Martinsville, Martinsville VA Police, 55 West Church St, Municipal Building, Martinsville, VA 24112 US 01/30/2019", in **EXHIBIT PAGE 232**. The other page said: "#4. copy of 1-page letter to Chief of Police dated January 20, 2019; and a copy of 1-page letter to Chief of Police dated January 19, 2019", in **EXHIBIT PAGE 233**. Referring to the same entry #4 from both pages of the mailing log. A photocopy of the mailing envelope is in **EXHIBIT PAGE 236 OF 337**. That entry was the mailing of a photocopy on January 30, 2019, of what was originally mailed

on January 22, 2019 (**EXHIBIT PAGE 238 OF 337**). I believe I had mailed this mailing at the Mail Room at the Prison and I believe that envelope was classified as LEGAL MAIL. The photocopy of the mailed envelope is only of one mailing of the letter to the Chief of Police. Both were mailed as LEGAL MAIL.

- 5. In another Mailing Log, **EXHIBIT PAGE 238 OF 337**, Entry "#8" said "4pg", "Chief of Police, Police of Martinsville, 55 W Church ST, Municipal Building, Martinsville, VA 24112 US 01/22/2019". I do recall mailing the original on that mailing log, the 1-page letter to Chief of Police dated January 19, 2019. That letter was asking for the police-body-camera footage which is discovery evidence which I later found out was ordered by both the General District Court one time and the Circuit Court two different times, see past Court Orders for Discovery for what I am referring to. I was not aware of what was said in those court orders until a later time. I believe I had mailed this mailing at the Mail Room at the Prison and I believe the envelope was classified as LEGAL MAIL.
- 6. My grandparents had created and mailed a typed-up version of my written letter mailed originally and then mailed a photocopy of that same letter at a later time to the Chief of Police which that original letter was dated January 19, 2019. The same letter asking for the body-camera footage. See **EXHIBIT PAGES 240**-**242 OF 337**. I was aware that they had mailed that to Martinsville Police Department with Certified Mail. The typed-up letter was dated March 13, 2019.

6. Prior to me writing a letter to the Chief of Police then mailing that letter, and then at a later day mailing a photocopy of that same letter requesting the bodycamera footage recorded by Officer Robert Jones of Martinsville Police Department, I was also detained as an inmate at the Western Virginia Regional Jail in Salem, Virginia, after I was picked up at Martinsville City Jail to be transferred to the Western Virginia Regional Jail due to the "Federal Detainer" on me at the time. When I was placed in what I would call, special housing in that jail, I was able to request from the jail guard a tablet which allowed me to send electronic messages to my family which is essentially an inmate email system provided by the Jail tablet. That system would be called SmartJailMail.com which I had sent messages to from the tablet. I didn't just sent emails through SmartJailMail to my mother. I had also sent messages to a man named Eric S. Clark who was my pro se legal adviser at the time who had helped me with pro se filings dealing with my federal case. He is the reason why I had learned how to produce my own legal paperwork and filings on my own which can look as professional as the same ones' attorneys usually file without a lawyer. His email which was used by the SmartJailMail system of correspondences between me and Eric Clark was when he had used the email address eric@whitestonepublishing.org. I had sent messages to him while I was incarcerated at the Western Virginia Regional Jail. I also had sent

messages to Ken & Stella (<a href="kenstella2007@yahoo.com">kenstella2007@yahoo.com</a>) using the SmartJailMail system. As well as my mother Roberta Hill.

7. Kenneth and Stella Forinash had sent an email which is in **EXHIBIT 19**. See EXHIBIT PAGE 261-263 OF 337. That email was sent to my court appointed Public Defender named Scott Albrecht who had represented me after I was charged on September 21, 2018, after his appointment as my counsel. I was adamant on asking my Public Defender to obtain the body-camera footage. His email at the time was, I believe it was salbrecht@mar.IDC.Virginia.gov. I sent a message through SmartJailMail to Kenneth and Stella Forinash. They received it and mirrored my message to Public Defender Scott Albrecht, my court appointed counsel for my criminal case at the time. It said partially: "...I will file a motion for Writ of Actual Innocence and motion for new trial pursuant to Virginia Code Sec. 19.2-265.4 a failure to provide discovery in Misdemeanor and felony cases. The bodycam footage and 911 recording is another one..." So, Scott Albrecht my attorney was made aware of the police-body-camera footage on record, and me wanting this footage even before I was transferred from Western Virginia Regional Jail to the Federal Correctional Institution 1 in Butner. That email to Scott Albrecht was sent on "Date: Thursday, December 27, 2018 at 10:50 PM EST", "Cc: eric@whitestonepublishing.org; rbhill67@yahoo.com". This email proves that my court appointed Public Defender Scott Albrecht, an officer of the Court at the time,

was made aware in email or in typed up communications about the issues of me wanting the body-camera footage.

8. Kenneth and Stella Forinash had sent an email which is in **EXHIBIT 20**. See EXHIBIT PAGE 264-269 OF 337. That email message from the first page of that email was not sent to Public Defender named Scott Albrecht, but it does show a pattern of email correspondence which does show an email which was emailed to my Public Defender named Scott Albrecht. I was adamant on asking my Public Defender to obtain the body-camera footage. That email to Scott Albrecht from my contact Eric S. Clark was sent on "Tuesday, December 25, 2018 4:46 PM", "Subject: Brian D. Hill request". In my "MESSAGE 1" of one of my SmartJailMail messages to Eric Clark as he dubbed it as "MESSAGE 1", I said to Eric in my SmartJailMail message (excerpted in part of the entire message): "... Evidence of coercion exists but was not disclosed under Discovery violating Brady rights. Police bodycam footage during interview of Brian after arrest...I showed signs of coercion when Iqpwas interviewed by the officer who turned on his body camera and the red recording light was on...". This email proves that my court appointed Public Defender Scott Albrecht, an officer of the Court at the time, was made aware in email or in typed up communications about the issue of me talking about the existence of the body-camera footage.

- 9. Prior to me reviewing over the Clerk's transmitted record of the Trial Court in 2021 pursuant to one of my past appeals, I am not sure if I ever had access to the three Court Orders for discovery. I cannot recall. I am referring to the order of the General District Court (See EXHIBIT PAGE 273-274 OF 337, in **EXHIBIT 22**) and the two different court orders for discovery from the Circuit Court (See **EXHIBIT PAGE 275-280 OF 337**, in **EXHIBIT 22**). At some point I had reviewed over those court orders and then I had realized at that time that those three court orders were not complied with by the Commonwealth Attorney because of the ineffectiveness of attorney Scott Albrecht. In fact, none of my court appointed lawyers assigned to my criminal case in the General District Court and in the Circuit Court had ever filed anything to enforce those three court orders. Never pushed for sanctions, never asked for compelling compliance with those three court orders for discovery materials. None of my court appointed lawyers ever spoke with me about ever initiating a filing for asking the Court to conduct enforcement of its previous discovery orders or motion to compel compliance with the Circuit Court and General District Court. My court appointed lawyers never filed any motions about compelling the Commonwealth Attorney to comply with the court orders by turning over the body-camera footage or a copy of the same.
- 10. I don't know the reason why Scott Albrecht never tried to enforce the court order from the General District Court (See **EXHIBIT PAGE 273-274 OF**

337, in EXHIBIT 22) and why Scott Albrecht never tried to enforce the two different court orders for discovery from the Circuit Court (See EXHIBIT PAGE 275-280 OF 337, in EXHIBIT 22). Albrecht never pushed for sanctions against Glen Andrew Hall, he never pushed for sanctions against Martinsville Police Department for not turning over the police body-camera footage. From what I understand about basic law, refusal to following a court order in a criminal or civil case is usually a contempt of court from my basic legal understanding of my requirement to comply with court orders after I am served with an arrest warrant or summons or whatever is filed against me in a Court of Law. Why didn't Scott Albrecht push for any contempt charge against Martinsville Police Department? Why didn't Scott Albrecht push for any contempt charge against the Commonwealth Attorney?

11. I am aware that on August 1, 2019, I was appointed Matthew Scott
Thomas Clark ("Matthew Clark"), who was appointed by the court to represent me
in my criminal case due to me being indigent. At some point I met with this
attorney in person and at another point I had spoken with this attorney over the
telephone, from what I remember. I had also asked Matthew Clark to ask for the
body-camera footage from the Commonwealth Attorney. I think I remember him
appearing with me at a court hearing, I think it was a continuance hearing. It is
harder to remember but I think before my hearing he was in the courtroom speaking

with somebody working for the Commonwealth Attorney, it may have been Glen Andrew Hall or somebody working with or for Glen Andrew Hall. It was a long time ago, but I do remember seeing Matthew Clark talking with the Commonwealth Attorney or somebody working for the Commonwealth Attorney in the courtroom at a hearing. Probably asking about the body-cam footage. I don't know.

12. It was either in August, 2019 or September, 2019, I met with Matthew Clark at his law office at the address of 711-B Starling Avenue, Martinsville, VA 24112. I know this meeting occurred before I filed the pro se motion to withdraw appeal. I had spoken with him in his law office in the presence of my family members (witnesses) Roberta Hill, Stella Forinash, and Kenneth Forinash to all discuss my criminal case in the Circuit Court. One of things I spoke with this attorney Matthew Clark about was regarding my request for the body-camera footage from Martinsville Police. He told me in the presence of my family members that the "bodycam footage had been destroyed". I was shocked to hear that, since it was a pending litigation. He explained that there is an evidence retention period for police body-camera storage, and said it was a certain number of months. So, he argued that the body-camera footage had been destroyed because of this "retention period" of a certain number of months as he told me. None of that made any sense to me as that body-camera footage was subject to discovery as part of a pending criminal litigation prosecuted by the Commonwealth Attorney. Attorney Scott

Albrecht was made aware by emails as to the issues surrounding the police body-camera footage. Attorney Scott Albrecht knew that I wanted this body-camera footage as well. I had mailed multiple letters to the Police Chief of Martinsville Police Department (see this Declaration's paragraphs 2 through 6, pages 2-4 for what I am referring to) asking for the body-camera footage. My grandparents gave me the original certified mail receipt and original return receipt which proved that the typed letter of my original letter to the Chief of Police (**EXHIBIT PAGE 240-242 OF 337**). If the Court wants me to show this proof, I will provide this proof to the Circuit Court, if I can still find it in boxes and boxes full of papers and evidence.

13. I had mailed my letter to the Police Chief originally written and dated as January 19, 2019, as well as a photocopy after no response, and then my grandparents mailed a typed copy of my original letter dated as January 19, 2019. Refer back to paragraph 6 of my Declaration. Refer back to paragraphs 2 through 4 of my Declaration as to my original letter and mailing a photocopy of my original letter thanks to the photocopy scanning machine at the federal prison I was detained at during my court ordered mental evaluation by the U.S. District Court. I had asked the Police Chief two different times and my family sent a typed copy of my written request one time for the body-camera footage in writing. Three different times this Police Chief was asked for this discovery material, and I have proof of it. I had

preserved records for the purposes of keeping documentation for my criminal case and for my U.S. District Court case or cases. My legal paperwork, my photocopies of what I had mailed. I had mailed this Chief of Police of Martinsville Police two different times asking for the body-cam footage, and my grandparents mailed a typed copy of my request for the body-cam footage. All of it was IGNORED. I never received a single written response from Martinsville Police Department regarding my request for the police-body-camera footage. Not a formal typed response, nothing about the body-cam footage. Yet they destroyed it before my scheduled jury trial set for December 2, 2019 at 9:00 A.M. This is deceptive and is a fraud in my view for the Police to destroy evidence while the Commonwealth Attorney demands that I face a jury trial with destroyed evidence to help rig the jury trial against me. With dishonest prosecutors, usually evidence is destroyed when the very destroyed evidence may hurt the prosecutor's case. I was going to face a jury with evidence destroyed by Martinsville Police Department. They jury wouldn't even know about certain evidence being destroyed after multiple lawful court orders for discovery, I would have faced this rigged jury trial against me if I had not withdrawn my appeal, because none of my court appointed lawyers would even tell the future jury. Gave no indication to me that they would.

14. Attorney Matthew Clark admitted verbally to me and my family members sometime in either August, 2019 or September, 2019, that the bodycam footage had

been destroyed during pending litigation, forced jury trial against my will, and the Police got completely away with the bodycam footage being destroyed after three court orders for discovery. Martinsville Police Department never made sure to produce the bodycam footage (body-camera footage on their uniforms) to either me or my defense attorney. At least I can admit under penalty of perjury that I never was able to even see it even before my Bench Trial in the General District Court, and I was shown no proof from all of my court appointed lawyers that the bodycamera footage was ever obtained in the first place. Makes me suspect collusion between the Commonwealth Attorney and the supposed Public Defenders, they are Public Pretenders in my personal view. They didn't do anything to ensure they even had a copy of the bodycam footage recorded by Officer Robert Jones. None of my court appointed lawyers who was supposed to be my defense lawyers, none of them ever sent a litigation hold letter demanding that the body-cam footage be retained as evidence for the pending litigation, and demand that the evidence not be destroyed until after the case is dispositioned and after any direct appeals exhausted. Then Matthew Clark tells me around sometime in either August, 2019 or September, 2019 that Martinsville Police Department had destroyed the bodycam evidence, they destroyed it from what Matthew Clark told me, Martinsville Police Department had destroyed it. I swear this is true on a stack of bibles, I swear under penalty of perjury in this Declaration that what I am saying is the truth. I

asked for the bodycam footage, I made written requests for it, Public Defender Scott Albrecht was emailed by Eric Clark and Stella/Kenneth Forinash about me mentioning about the bodycam footage, and none of them were answered as to my concerns about the bodycam footage. Then it appears to me to the best of my knowledge and to the best of my memory that the Police didn't comply with the Court Orders for discovery by destroying the bodycam footage. They destroyed it after the court orders for the discovery materials, they didn't even wait until after the jury trial and after any direct appeals. They destroyed it before I was going to have to appear before a jury trial on December 2, 2019 at 9:00 A.M. I know they didn't comply with those Court Orders because my own attorney Matthew Clark told me in the presence of my family members inside his law office, my family members Roberta Hill, Kenneth Forinash, and Stella Forinash. Matthew Clark told me that the bodycam footage had been destroyed, I cannot forget this and I will never forget this, I am still upset about this. Scott Albrecht did nothing to try to preserve the evidence subject to issues during a pending criminal case litigation. Scott Albrecht is a failure as an officer of the court, he failed me and allowed Martinsville Police to destroy the bodycam footage. What a moron of a lousy attorney, I am angry at him as well. They all let me down.

15. As to **EXHIBIT 2**, **EXHIBIT PAGES 5-86 OF 337**, is a true and correct copy of TRANSCRIPT OF THE SUPERVISED RELEASE

REVOCATION HEARING, BEFORE THE HONORABLE THOMAS D.

SCHROEDER, UNITED STATES DISTRICT JUDGE, IN THE UNITED

STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH

CAROLINA, dated September 12, 2019. Officer Robert Jones of Martinsville

Police Department (aka SERGEANT ROBERT JONES) had testified at this

hearing and is relevant/material to my Motion that this Declaration is in support of.

CASE NO. 1:13CR435-1.

- 16. As to **EXHIBIT 3**, **EXHIBIT PAGES 87-91 OF 337**, is a true and correct photocopy of billing records regarding me being a patient at Sovah Health Martinsville, on September 21, 2018, billing records I had received from Sovah Health Martinsville, the local hospital once known as Martinsville Memorial Hospital.
- 17. As to **EXHIBIT 7**, **EXHIBIT PAGES 170-181 OF 337**, is a true and correct copy of a federal court filing entitled as "STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018", Document 153, Filed 10/17/18, case no. 1:13-cr-00435-TDS, IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.
- 17. As to **EXHIBIT 8**, **EXHIBIT PAGES 182-184 OF 337**, is a true and correct copy of a federal court filing entitled as "EXHIBIT 1 For Federal civil complaint -- MOTION ASKING THE COURT TO REQUEST LEGAL

COUNSEL TO REPRESENT THE PLAINTIFF -- MOTION AND BRIEF IN SUPPORT OF THIS MOTION -- Brian David Hill v. Executive Office for United States Attorneys (EOUSA), United States Department of Justice (U.S. DOJ) Civil Case Number 4:17-cv-00027", Document 23-1, Filed 07/03/17, case no. 4:17-cv-00027-JLK-RSB, and was filed IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA.

18. As to **EXHIBIT 9**, **EXHIBIT PAGES 185-187 OF 337**, is a true and correct copy of a federal court filing entitled as "EXHIBIT 2 For Federal civil complaint -- DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF DOCUMENT 2 COMPLAINT AND IN SUPPORT OF MOTION, UNDER RULE 45 ASKING THE CLERK TO SUBPOENA ATTORNEY JOHN SCOTT COALTER FOR DISCOVERY AND TO PROVE THE FACTUAL MATTER UNDER COMPLAINT -- Brian David Hill v. Executive Office for United States Attorneys (EOUSA), United States Department of Justice (U.S. DOJ) Civil Case Number 4:17-cv-00027", Document 12-2, Filed 06/12/17, case no. 4:17-cv-00027-JLK-RSB, and was filed IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA.

18. As to **EXHIBIT 10**, **EXHIBIT PAGES 188-193 OF 337**, is a true and correct copy of a federal court filing entitled as "EXHIBIT 1 For Federal civil complaint Brian David Hill v. Executive Office for United States Attorneys

(EOUSA), United States Department of Justice (U.S. DOJ)", Document 2-1, Filed 04/25/17, case no. 4:17-cv-00027-JLK, and was filed IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA.

18. As to **EXHIBIT 11**, **EXHIBIT PAGES 194-201 OF 337**, is a true and correct copy of a federal court filing entitled as "EXHIBIT 2 For Federal civil complaint -- MOTION ASKING THE COURT TO REQUEST LEGAL COUNSEL TO REPRESENT THE PLAINTIFF -- MOTION AND BRIEF IN SUPPORT OF THIS MOTION -- Brian David Hill v. Executive Office for United States Attorneys (EOUSA), United States Department of Justice (U.S. DOJ) Civil Case Number 4:17-cv-00027", Document 23-2, Filed 07/03/17, case no. 4:17-cv-00027-JLK-RSB, and was filed IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA.

19. As to **EXHIBIT 12**, **EXHIBIT PAGES 202-209 OF 337**, is a true and correct copy of (1) a 4-page "URGENT LETTER TO MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE – FOIA REQUEST FRIDAY", "JANUARY 20, 2022"; a true and correct copy of (2) Venta Fax & Voice Transmission ticket for FAX ID: 276-790-3505 of a fax sent to City of Martinsville, Attn.: FOIA Officer at the recipient phone number of 1-276--403-5280 (1-page); (3) a true and correct copy of a Venta Fax & Voice Transmission ticket for FAX ID: 276-790-3505 of a fax sent to Martinsville Police Department,

Attn.: FOIA Officer at the recipient phone number of 1-276-403-5306 (1-page); and (4) a true and correct copy of another Venta Fax & Voice Transmission ticket for FAX ID: 276-790-3505 of a fax sent to City of Martinsville, Attn.: FOIA Officer at the recipient phone number of 1-276--403-5280 (1-page). The fax transmission tickets were concerning the successful transmissions to the intended destination fax numbers of the 4-page "URGENT LETTER TO MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE – FOIA REQUEST FRIDAY", "JANUARY 20, 2022".

- 19. As to **EXHIBIT 13**, **EXHIBIT PAGES 210-215 OF 337**, is a true and correct copy of document record pages from the record of the Circuit Court of what was filed in my case of "Motion for writ of error coram vobis" which was construed by the Clerk as a case for a Petition for a Writ of error coram nobis (WCN) (an "initial filing" and was filed in a separate case, Case No.:CL20000089-00.
- 20. As to **EXHIBIT 16**, **EXHIBIT PAGES 247-249 OF 337**, is a true and correct copy of "Virginia Medicaid Claims History For Member ID: 690024628015, Member Name: Brian Hill", Claims For 11/19/2017 And 9/21/2018.
- 21. As to **EXHIBIT 17**, **EXHIBIT PAGES 250-252 OF 337**, is a true and correct copy of printed email from the email record of Roberta Hill at her email address rbhill67@yahoo.com. Subject: Re: Brian D. Hill asked me to send this

email to you about his appealed case. From: Eric S Clark

(eric@whitestonepublishing.org). To: kenstella2007@yahoo.com;

salbrecht@mar.IDC.Virginia.gov. Cc: rbhill67@yahoo.com. Date: Thursday,

December 27, 2018 at 11:21 PM EST.

- 22. As to **EXHIBIT 18**, **EXHIBIT PAGES 253-260 OF 337**, is a true and correct complete copy of medical records I obtained from Sovah Health Martinsville which is a hospital. Medical records of the hospital visited dated Friday, September 21, 2018. On the day I received the records or around the time I received the records, I did speak with the hospital records staff or somebody at the hospital records area about any laboratory tests on September 21, 2018. The staff said to me and Roberta Hill that they cannot find any laboratory testing records and said since I was in the custody of the police that it would be the Martinsville Police who would do the lab work. That was what I was told by the staff person at Sovah Health Martinsville on the day which I obtained those records or around the time I received the records, and I had obtained them on "5/17/2019".
- 23. As to **EXHIBIT 19**, **EXHIBIT PAGES 261-263 OF 337**, is a true and correct copy of printed email from the email record of Roberta Hill at her email address <u>rbhill67@yahoo.com</u>. Subject: Brian D. Hill asked me to send this email to you about his appealed case. From: Ken & Stella (kenstella2007@yahoo.com). To:

salbrecht@mar.IDC.Virginia.gov. Cc: eric@whitestonepublishing.org; rbhill67@yahoo.com. Date: Thursday, December 27, 2018 at 10:50 PM EST.

- 24. As to **EXHIBIT 20**, **EXHIBIT PAGES 264-269 OF 337**, is a true and correct copy of printed email from the email record of Roberta Hill at her email address <u>rbhill67@yahoo.com</u>. Subject: Fw: Brian D. Hill request. From: Ken & Stella (kenstella2007@yahoo.com). To: rbhill67@yahoo.com. Date: Wednesday, December 26, 2018 at 04:30 PM EST.
- 25. As to **EXHIBIT 23**, **EXHIBIT PAGES 281-311 OF 337**, is a true and correct incomplete (not all pages of the entire record) copy of medical records I obtained from Sovah Health Martinsville which is a hospital. Medical records of the hospital visited dated Sunday, November 19, 2017. The record pages in this exhibit are one copy which was scanned with color scanning setting and the other copy of the same thing (scanned in color previously) was scanned in black and white. So two copies of the same pages, one in color and the other one in black and white. Was scanned with both color and black and white, in case the black and white scan caused any loss of details from the medical record pages.
- 26. As to **EXHIBIT 24**, **EXHIBIT PAGES 312-315 OF 337**, is a true and correct copy of pages of medical records I obtained from Carilion Clinic which I am a patient of. Medical records of the laboratory work done on specimen collected on July 31, 2018, time of 1122 (assuming it is military time), from the Resulting

lab: GENESYS MARTINSVILLE. The record pages in this exhibit are in color. The highlighting of certain record areas was done by Roberta Hill to show the abnormal readings. The address reported of the testing was done at 1107 A Brookdale St, Martinsville VA 24112. COMPREHENSIVE METABOLIC PANEL(COMP) [368602038] (Abnormal).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 25, 2023.



Brian D. Hill

Brian D. Hill Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2 Martinsville, Virginia 24112 (276) 790-3505



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